

Narrative and Co-Existence:

Mediating Between Indigenous
and Non-Indigenous Stories

Kathryn Angela Trees

BA (Hons) Murdoch University

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Abstract

This thesis demonstrates how theory and praxis may be integrated within a postcolonial, or more specifically, anticolonial frame. It argues for the necessity of telling, listening and responding to personal narratives as a catalyst for understanding the construction of identities and their relationship to place. This is achieved through a theorisation of narrative and critique of postcolonialism. Three sites of contestation are visited to provide this critique: the “Patterns of Life: The Story of Aboriginal People of Western Australia” exhibition at the Perth Museum; a comparison of Western Australian legislation that governed the lives of Aboriginal people from 1848 to the present and, the life story of Alice Nannup; and, an analysis of the Australian Institute Judicial Association’s “Aboriginal Culture: Law and Change” seminar for magistrates. Most importantly, this work calls for strategies for negotiating a just basis for coexistence between Indigenous and non-Indigenous Australians.

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Introduction

This thesis is about the importance of telling and listening to personal stories. I have therefore adopted a methodology and writing style that reflects this, one that embodies and grounds these stories within the larger text. And that consequently requires the reader to shift between story and theory until the boundaries between them blur. As a result of this methodology I begin with a story that has been formative for this work and my broader academic praxis. The experience upon which this story reflects encouraged me to think and rethink my academic work and to extend it beyond the study of texts. As a result I was privileged to work with and to hear the stories of many extraordinary people.

In October 1991 I was holidaying with friends and staying in Wickham,¹ a small town in the Pilbara region of Western Australia. One Friday night, at about 9 o'clock, there was a sharp rap on the door. A woman holding a baby and a young girl were standing there. The woman wanted a place to stay until the white miner she lived with, who was drunk, fell asleep. She came in and as we drank tea and talked she explained that he had been beating her and then began to hit her 9-year-old daughter, so she had to get out for a while. As we talked we learnt that she was from the Bunjima community at Onslow, some four hundred kilometres south. She would like to go home but could not leave because he had threatened to take the baby, "which was his", if she did so.

At the time, listening to this woman made me feel exceedingly angry, sad, compromised and very ineffectual. She told her story as one might repeat the events of a relatively 'normal' day. The only overt emotion she showed related to her daughter being hit that night. One of my immediate responses was a desire to say "but you have rights. No-one can take your child." However, this was not her reality. Further, knowledge of one's rights in itself does not ensure justice.² Even taking her to the Aboriginal Legal Service so that someone could explain her rights would not

¹ Wickham is a small town west of Roebourne, built by Hamersly Iron, for miners and their families. It allowed people working for the company to be separated from the Aboriginal community at Roebourne.

² This is discussed in some detail in Chapter Six, which illustrates how liberalism with its emphasis on equity, justice equality and rights perpetuates colonialist and inhumane praxis.

necessarily be useful. She still had to go home and confront this man. For her circumstances to change significantly, she needed assistance to leave her current situation. We were visitors and could therefore provide no real help.

For me this incident raised many issues about social justice and the nature of Indigenous and non-Indigenous relationships in Australia. It poignantly demonstrated the difference between the potential for justice, as it is embodied within the law, and justice as a social reality.³ But it was also something much simpler than that. I was struck by the power of the narratives we tell and listen to each day to influence our lives. Too often it is official narratives that are understood as providing the central threads of our lives, rather than the personal narratives or their interaction. Importantly, this incident also challenged my academic practice and in particular my engagement with postcolonial theory.

Her life as a Bunjima woman meant that she knew many people who had been taken from their parents or whom had children taken from them. She was not merely being threatened by his power as a man but as a white man, with all its colonial implications. Her knowledge of her rights to her own baby came from the personal stories of other Aboriginal people. It was not just that there was a disjunction between personal and official narratives about the rights of mothers. These were not disconnected threads. The stories she heard were directly related to state legislation, particularly the 1905 Act, an official narrative, which had sanctioned the taking of children from their families and was still indirectly determining the life of herself and her children. Abolishing that legislation and granting Aboriginal people citizenship in 1967⁴ did not effectively change this because changes to the official narratives did not become part of the weave of her everyday life.

The significance of personal stories of Indigenous people in Australia and the imperative to listen to them has been reinforced in a number of ways this decade. The Royal Commission into Aboriginal Deaths in Custody called for the personal stories of the families of those who had died to be heard and acknowledged by the Australian

³ A more detailed discussion of this event is provided in Kathryn Trees, "The Politics of Post-colonial Reading Praxis as they Relate to the Work of Aboriginal Writers", in *Teaching Post-Colonialism and Post-Colonial Literatures*, Anne Collett, Lars Jensen and Anna Rutherford (eds) Denmark: Aarhus University Press, 1997, pp. 155-159.

⁴ At the National Media Forum, "Telling Both Stories", held in Perth on Friday 1996 Michael Mansell made the point that Aboriginal people were not allowed to vote at the 1967 referendum that determined their citizenship.

public and in particular the legal system. *Telling Our Story* a report by the Aboriginal Legal Service of Western Australia (Inc) on the removal of Aboriginal children from their families in Western Australia also attests to the importance of telling and listening to personal narratives. According to Ted Wilkes, President of the Aboriginal Legal Service, this report is an official “acknowledgement that in the process of colonisation white Australia had cruelly denied generations of Aboriginal children their most precious and fundamental right - that of a mother's love and a family's care.”⁵ Wilkes asserts that the stories told, listened to and read are beneficial for both Indigenous and non-Indigenous people:

[f]or Aboriginal participants it provides a catharsis for feelings of sorrow and rage, and it encourages us to anticipate that, after generations of neglect, white Australia is finally prepared to own the shame of its past, and to accept the responsibility of effecting real and substantial reparation in the future.

For non-Indigenous West Australians, the report is a sombre reminder of a most inglorious aspect of their history, and an incentive to take firm hold of a long overdue opportunity to make amends.⁶

A similar experience is found in South Africa where the Truth and Reconciliation Commission provides a forum for the telling and hearing of what are often horrific experiences as a way of facilitating “the transformation of the state and the civil society in South Africa.”⁷ The challenge in Australia also remains to ensure that the telling of stories produces strategies for change. This is a central concern for the work of this thesis and of my engagement with postcolonial theory.

The incident in Wickham occurred six months after I had begun the research for my PhD. At that time, I was going to do a comprehensive analysis of texts written by Indigenous people as a critique of 'white' Australian history, from a postcolonial perspective. As I reflected on my project in the context of this incident and a series of events that occurred during that same holiday I came to understand it as being too detached from people's actual lived reality. Subsequently I began to question the

⁵ Aboriginal Legal Service of Western Australia, *Telling Our Story* A report by the Aboriginal Legal Service of Western Australia (Inc) on the removal of Aboriginal children from their families in Western Australia, Tony Buti (project coordinator), Perth: Aboriginal Legal Service of Western Australia (Inc), 1995, p. ii.

⁶ Aboriginal Legal Service of Western Australia, 1995, p. iii.

⁷ H.S. Bhola, “Between the Social and the Spiritual: Reconciliation in South Africa”, in *Proceedings of the 42nd Annual Conference of the International Society for the Systems Sciences*, Janet K. Allen and Jennifer Wilby (eds), July 19-24, Atlanta, Georgia, on CDROM, 1998.

appropriateness of postcolonialism as a way of describing Indigenous peoples experiences in Western Australia or of facilitating the relationships between Indigenous and non-Indigenous people.

My concern was clearly articulated by Jacquie Lo at the "Postcolonial Fictions" conference in December 1994⁸ where she posed a profound and provoking question about postcolonial theory. A question I ask of law and other grand narratives. She asked: "Where are the bodies?" The answer, in part, is that we all have bodies and are addressing theoretical concerns about and to bodies, but these bodies are often regarded as problematic. The bodies of the colonised to which Lo was most directly referring are perhaps even more problematic.

It is my concern with real events and real bodies, which leads to my own interest in the nexus of theory and praxis. That there is such a nexus is undeniable. However, how it functions is often less clear. Theory functions as an articulation of individual(s) and group relationships and the spaces and places we live in. It provides a meta-account of our daily lives. I argue it is through the theoretical that we formulate 'rules for living' and work through moral and ethical issues. The theorisation of our everyday lives occurs both at the academic level and in the ways that we think about what we do and rationalise the choices we make. There is a danger however when academics simply write for each other without contact with 'the real'. It is then that charges of elitism and inappropriateness can be directed at academics and theory. This is not to suggest that I would want to level the same charge because theory, like any text, functions in a variety of domains and ways. Theory is an 'articulation with the real' it allows for the exploration of ideas – and of course not all academics are out of touch with the everyday – this is too simple an accusation to make.

Aware of such criticism however, particularly as it is directed at postcolonialism, this thesis attempts an instantiation of the nexus between theory and praxis. A 'substantive articulation' of theory and praxis may be achieved in a number of ways, including: via a concentration on local, personal, individual stories/narratives and their interaction with official narratives; empowering people to speak or tell their stories (as in the Royal Commission into Aboriginal Deaths in Custody); and,

⁸ Aspects of this conference are discussed in Chapter Three, which provides an overview of postcolonialism.

understanding the past as a step towards transcending it, by acting upon what is said. In the examples used in this thesis, students, magistrates and Aboriginal people have been encouraged to draw on their own experiences and knowledges as a way of recognising and deconstructing colonialist and racist institutional practices in ways that empower themselves to act in postcolonial or anti-colonial ways. (The distinction being drawn between these terms is discussed in Chapter Three.)

Carmen Luke and Jennifer Gore's edited collection, *Feminisms and Critical Pedagogy*, has been significantly influential for the work of this thesis. The ethical and philosophical concerns expressed by Luke and Gore and the specific questions they raise about the possibility of achieving an emancipatory classroom capable of accounting for differences in gender, class, sexuality and ability have guided my own praxis. In the Introduction to the volume its editors explain that "texts, classrooms and identities are read as discursive inscriptions on material bodies/subjectivities. Pedagogical encounters and pedagogical texts are read both as a politics of signification and as historically contingent cultural praxis."⁹ Their concerns for effective critical pedagogy within specific cultural contexts reflect my own concerns with postcolonialism, particularly how to achieve ethical and competent praxis as a way of achieving dialectical relationships between Indigenous and non-Indigenous people in Western Australia.

In discussing critical pedagogy Luke and Gore write that such an approach is:

... to empower students to become politically active and critical citizens by valuing their experience and voice; in short, to develop in students a sense of "critical agency"[10] with which to work towards a critical democracy. The transformative task is for teachers to enable students to name and give voice to their experience (their subject positions) and then transform and give meaning to those experiences. [and to] ... provide students with a language of critique with which to demystify and politicise the discursive production of meaning students (and teachers) use to articulate their own experience and, as well, to analyse those institutional discourses applied to and against them.¹¹

⁹ Carmen Luke and Jennifer Gore, *Feminisms and Critical Practice*, London: Routledge, 1992, p. 4.

¹⁰ Luke draws on the work of Peter McLaren for her understanding of critical agency. For a comprehensive discussion of critical agency as theorised by him see Peter McLaren, *Critical Pedagogy and Predatory Culture*, London: Routledge, 1995, pp. 87-116.

¹¹ Carmen Luke, "Feminist Politics in Radical Pedagogy" in Carmen Luke and Jennifer Gore *Feminisms and Critical Practice*, London: Routledge, 1992, p 35.

Empowerment, political activity and critical agency, identified here as characteristics of critical pedagogy, are also fundamental to my own postcolonial or anticolonial praxis. For empowerment to be more than empty rhetoric it is vital to “clarify what it signifies to ‘empower’”¹², just as it is vital to know what postcolonial praxis is. As Maxine Greene indicates in the forward to *Feminisms and Critical Pedagogy* the purpose of the text’s contributors is to identify “an emancipatory feminist praxis.” This is achieved within the text by an engagement with several questions. Greene identifies these questions as:

... how are they [teachers] to launch a critique of dominant discourses (racist, perhaps sexist, classist) those students have never questioned? How ... are they to move to self-definition students whose lived experiences are entirely different from their own? How are they to deal with what they choose to identify as oppression, especially when the voices in the classroom become defiant, rather than expressing eagerness to understand, to share? ¹³

According to Greene answers to these questions must be found within a field in which “masculinist assumptions about oppositions, hierarchies and justifications for neglecting contradictions and unknowability”¹⁴ is prevalent. This requires that feminist teachers “demand critical examination of what lies below the surface. They demand confrontations and discontinuities, particularities, and the narratives that embody actual life stories.”¹⁵ And further they insist that “we all attempt on a daily basis to create pedagogical situations which “empower” students, demystify canonical knowledges, and clarify how relations of domination subordinate subjects marked by gender, ethnicity, race, class, sexuality, and many other markers of difference.”¹⁶ Following their example, I asked Luke and Gore’s questions of postcolonial theory as a way of gauging the relationship between theory and praxis that it allows for. Further, I have attempted to provide the opportunity for students within a classroom, magistrates and participants in a seminar, discussed in this thesis, to utilise “the narratives that embody [their] actual life stories” as part of a strategy for recognising, critiquing and deconstructing colonialist and racist knowledges and assumptions that their own praxis have been supported by, contributed to and, their identities formulated by.

¹² Luke and Gore, 1992, p. x..

¹³ Luke and Gore, 1992, p. x.

¹⁴ Luke and Gore, 1992, p. x.

¹⁵ Luke and Gore, 1992, p. x.

¹⁶ Luke and Gore, 1992, p. 1.

My emphasis, in this thesis, on narrative as vital to productive social interactions is augmented by a discussion of relevant aspects of narrative theory, especially the role that personal narrative can play in energising change. To this end, narratives are told and retold throughout this work. In thinking through the importance of personal narrative I found Allen Feldman's powerful expose of the 'reign of political terror' in Northern Ireland, *Formations of Violence: The Narrative of the Body and the Political Terror in Northern Ireland*, thought provoking. He discusses the relationship between the narrator and what is narrated and writes:

[i]n a political culture the self that narrates speaks from a position of having been narrated and edited by others - by political institutions, by concepts of historical causality, and possibly by violence. The narrator speaks because this agent is already the recipient of narratives in which he or she has been inserted as a political subject. The narrator writes himself into an oral history because the narrator has already been written and subjected to powerful inscriptions.¹⁷

This relationship between the self as narrator and as the subject is important in the context of this thesis. Many similarities can be found between the experiences of dispossession, alienation and disempowerment, resulting from colonisation and cultural dislocation in Northern Ireland and for Aboriginal people in Australia, though this is not specifically addressed within this thesis.

The narrative concerns of this thesis are found in the intersection of personal and official narratives. I want to know how one influences the other, or rather how one becomes the other. It is largely through a critical engagement with postcolonial and anticolonial theory that I do this. Postcolonial and anticolonial theory is also employed as a way of rethinking notions of 'equality', 'justice', 'rights' and 'ethics' as they actually operate in the lives of colonised people. My rethinking of these notions is articulated through a discussion of the Western legal system and its relationship to Indigenous people in Western Australia. I am specifically interested in the ways it has and does determine how people live; contributes to public knowledges and opinions; and responds to critiques of its own praxis, such as that of the Royal Commission into Aboriginal Deaths in Custody.

¹⁷ Allen Feldman, *Formations of Violence: The narrative of the Body and the Political Terror in Northern Ireland*, Chicago: The Univ. of Chicago Press, 1991, p. 13.

The forthcoming special issue of the *Third World Legal Studies Journal* “Postcolonialism and Law” is dedicated to exploring the relationship between postcolonialism and law. The Third World Legal Studies Association explains that their decision to bring together these fields of study is a recognition of the challenges that postcolonial theory presents to law but that law is only just now beginning to engage with. The editor for this edition Dianne Otto asserts that, “while ‘post’ colonial theories and praxis have received serious critical attention in many disciplines, law has lagged behind, despite its centrality in constructing and reconstructing relations of social and economic power.”¹⁸ And, postcolonialism is being ‘looked to’ by a number of legal theorists and practitioners as a means of critiquing legal praxis and acting as a safeguard against law being implicated in recolonisation of Indigenous people at a time when the “rights to self-determination by formerly colonised peoples has, in many views, led to further projects of colonisation rather than the liberatory outcomes that were anticipated.”¹⁹

However, while postcolonialism is an organising theme in this thesis I have a very ambivalent relationship to this theoretical position, specifically its appropriateness in considerations of Indigenous/non-Indigenous relationships in Australia? This ambivalence arose largely from Indigenous people’s responses to it. It must be remembered that all theoretical positions have competing uses and limitations within a single moment. As a consequence, I find myself being critical of the term ‘postcolonial’ particularly its capacity to be divisive and conservative, to theorise the political but maintain a distance from political praxis, rather than being conciliatory and transformative. Hence the term ‘postcolonial’ is interrogated to determine its potentialities and limitations. As might be expected the term is productive for some, particularly academics working within literary and cultural studies, and less productive and even inhibiting for others, in particular many Indigenous people.

The questions of praxis and theory and the cogency of postcolonialism as a framework for this endeavour are the recurring themes of this thesis, which will be addressed and returned to through detailed and specific analysis of personal narratives.

¹⁸ Dianne Otto, “Postcolonialism and Law”, *Third World Legal Studies: Special Issue* 1998-99, Call for papers, 1998.

¹⁹ Otto, 1998.

Chapter One provides a ‘mapping’ of my own identity through the telling of several significant stories as a way of demonstrating that narratives determine who people are; they determine “our social action as agents of history and the constraints we place on the identities of others.”²⁰ It highlights the necessity of placing self within a broader social and cultural context.

Chapter Two examines the importance of narrative to daily life. It makes a distinction between the ways official and personal narratives function and the credibility that is ascribed to both. The point is made that official narratives such as law, anthropology, education, as they operate within the museum, classroom and law court define who can, and how, people perform in each of these sites. The claim is also made that they determine ‘what is knowledge’ and ‘what functions as truth’. Further, official narratives define the spectator, curator, museum guide, student, teacher, defendant, lawyer and magistrate and stipulate how each must act.

“Such inscriptions are”, according to Luke and Gore, “key in the production of pedagogical encounters.”²¹ Or, as they argue, “subjectivity, identity and knowledge are the work of schooling”²² and I would add the museum and the courtroom. That this is so is demonstrated through personal histories, life stories and dialogue between Indigenous and non-Indigenous people. I argue that narrative can function in a manner, which is beyond anecdotal or simple auto-ethnography. It can make a set of expressed knowledges powerful and productive within a postcolonial discourse.

While the field of postcolonial studies is global, in Chapter Three I pay particular attention to the work of local theorists and to the applicability of postcolonialism to Australia and specifically Western Australia. This is a political choice that reflects postcolonialism’s concern with the local and the personal. The necessity of understanding history, in this instance the lived effects of colonialism on the lives of Indigenous peoples, as part of the postcolonial project is foregrounded.

To “empower students” to “demystify” and deconstruct “canonical knowledges” as a way of understanding their relationships with ‘Aboriginality’ was central to my work with a group of Indigenous and non-Indigenous primary school

²⁰ McLaren, 1995, p. 89.

²¹ Luke and Gore, 1992, p. 2

²² Luke and Gore, 1992, p. 2

students who were attending the Primary Extension Academic Challenge class that I co-ordinated and taught in 1992 and 1993. In Chapter Four, “Knowledges of the Museum”, I provide an analysis of the Perth Museum’s “Patterns of Life: The Story of the Aboriginal People of Western Australia” exhibit and the responses of this group of primary school students to it and to the museum guide’s framing of the exhibit. Several significant consequences of the museum visit, and the subsequent deconstruction of the exhibit and the students’ responses to it, are analysed. This process assisted students to understand the importance of their own history and knowledges in informing their interpretation of the exhibit and the colonialist and primitivist representations of Aboriginal people that it provided.

The primary function of Chapter Five is to demonstrate that grand narratives, in this case Western Australian legislation from 1848 to 1972, have ‘real’ effects on ‘real’ people. They act on bodies. The bodies that Jacqui Lo wants to be in evidence within postcolonial theory. I do this by reading this legislation against Alice Nannup’s life story *When the Pelican Laughed*.

Chapter Six provides a brief overview of the Western legal system. It suggests that law is a grand narrative, resistant but not impervious to change. The *Royal Commission into Aboriginal Deaths in Custody* is posited as a postcolonial or anticolonial critique of law that provides a forum for the telling of personal narratives.

Chapter Seven is itself a ‘site’ or forum for the telling of and listening to personal narratives. It provides a synopsis of several aspects of the “Aboriginal Culture: Law and Change” seminar for magistrates. A discussion of the introductory session, often a formality in seminars, demonstrates the importance of people meeting each other, not only as magistrates and community representatives but also as people wanting to find common ground. This is followed by a brief overview of several sessions with particular focus on the story of Robin Eades and his account of juvenile crime.

It is my thesis that utilising the power of personal narratives may facilitate the integration of theory and praxis in a postcolonial context. This is illustrated in the chapters that follow.

Chapter One

Maps of Place: Maps of Identity

The Ancestors, frequently in the form of animals (water goannas, salt water crocodiles, dugongs and the like), travelled from place to place, hunted, performed ceremonies, fought and finally turned to stone or ‘went into the ground’, where they still remain. The actions of these powerful beings created the world as it is known today. They gave the world its forms, and its identities—its names.

The bush is criss-crossed with their lines of travel, and just as a person’s or an animal’s tracks are a record of what happened, the features of the landscape—hills, creeks, lakes and trees—are the record of the story of what happened in the Dreaming. While particular actions give name and identity to each location, the fact that together, in a certain sequence the named places constitute journeys by particular Beings, who themselves are related in particular ways, links all identified places into a whole. It is not only the landscape that assumed its identity at this time; all things gained their identities, their places in the scheme of things.¹

1.1 Who am I? Who are you?

I am the stories that I tell about myself, the stories that others tell of me and those yet to be told. I am the place where I was born, the places I have been and are yet to go. I know you as a relationship to my stories and places and to those you tell me. And, this is how you can know me.

Who I am is also a function of the communities which I belong to. The telling of stories has traditionally been an important function within communities. One that I suggest we often over-look and certainly undervalue today. According to Walter Benjamin:

[T]he storyteller worked primarily in an oral tradition. He gave ‘counsel’ to his listeners; he was bound to place; he was ‘corporeal’; he had presence. He transmitted something ‘useful’ from which his listeners could benefit; he was wise and authorising; and he spoke from a lifetime’s experience.

¹ David Turnbull, *Maps are Territories: Science is an Atlas*, Geelong: Deakin University Press, 1989, pp. 28-9.

He involved his listeners – who, it is assumed, do not have what he has; who lack – in a direct relationship with himself.²

The storyteller has “wisdom”, “authority” and a “direct relationship to his or her listener.”³ S/he is embodied, in-place, grounded. Each of us is a storyteller, yet the importance of our stories and listening to those of others is often disregarded or dismissed as ‘new age’ self-indulgence. Consequently social interactions and relationships between people are maintained ‘at arms length’ and, I suggest this is especially the case between Indigenous and non-Indigenous people.

In this chapter I illustrate the importance of personal narratives and place in the construction of identity, or more correctly identities. This claim is of course an enormous oversimplification. Identities are never ‘just constructed’, never static, never complete. We are never only one. Rather, as Deleuze and Guattari write of themselves in the opening lines of *A Thousand Plateaus*, “since each of us was several there was already quite a crowd.”⁴ Deleuze and Guattari are not being frivolous. Recognising the multiplicity of our identities, the ways we become other to ourselves is productive for facilitating relationships with others, including those with quite different cultural heritages.⁵

To illustrate the significance of identity, narrative and place in this process I offer several stories of my own. While each story is personal, in that it is drawn from my own experience, its intersections with official narratives are clearly locatable. They at least partially explain my desire and concern with facilitating productive relationships between Indigenous and non-Indigenous people and hence my engagement with anti-colonial or postcolonial praxis. The importance of place, or a relationship to country, in the formation of non-Indigenous identity and relationships with ‘Aboriginality’ in Australia is of particular interest to me. I argue, the spatial facets of our personal narratives, expected in Indigenous life-stories, but often neglected in non-Indigenous accounts, are critical to identity.

² Walter Benjamin, “The Storyteller”, *Illuminations*, (trans) Harry Zohn, London: Fontana, (1931) 1973.

³ Ken Gelder and Jane M. Jacobs, *Uncanny Australia: Sacredness and Identity in a Postcolonial Nation*, Carlton South: Melbourne University Press, 1998, p. 108.

⁴ Giles Deleuze and Felix Guattari, *A Thousand Plateaus Capitalism and Schizophrenia*, (trans) Brian Massumi, Minneapolis: University of Minnesota Press, 1987, p. 3.

⁵ I am indebted to the work of Spivak, Kristeva, Bhabha and many others for their insights on subjectivity and identity formation.

Personal identity is thus a function of narrative, that is of real sequences of events, chronological and re-ordered, the (equally real) interpretations we make of them and the spaces in which they are grounded. Country⁶ or place is thus vital to everyone's identity and inter-relationships. Where we are born, grow up and live are important factors in determining identity. In *Reading the Country*, a book about Benterrak, Muecke and Roe's relationships with Roebuck Plains an area around Broome, in the north-west of the state, the authors suggest that "place is not neutral or passive, it is active and contestable, it is the site of politics,"⁷ of personal politics. Further they suggest that "the study of specific, local places puts things more on the scale of everyday living".⁸ I am arguing that such a specific study facilitates recognition of the significant relationships between people and places that produce identities. It makes obvious that who we are depends on *where* we are, and *where* we have been, in very specific ways. In "Remembering Fanon"⁹ Homi Bhabha in making this same point writes that, "identification ... is the elusive assignation of myself with a one-self, the elision of person and place."¹⁰

In *Can These Bones Live?* A book concerned with the possibility of reconciliation in Australia, Veronica Brady, in writing about the first English settlers suggests that people must make meaning of the place in which they live. There needs to be an "elision of person and place". A becoming person, a becoming place. "In a new and unmapped country" devoid of familiar signposts:

... it is quite understandable that people would take refuge in a system of meaning which seemed to offer not only total explanation but also total justification.¹¹

While Brady is referring to religion the refuge that Georgiana Molloy, an English woman living in isolation from other English women, found solace in, it may well be any other refuge – "a cartography, of an imaginative and spiritual, rather than

⁶ 'Country' is used by Indigenous people to describe not only the area from which they come but also their relationship to that land. See Denise Groves, *New Aboriginalities: Creating Multiple Sites*, Murdoch University: Masters Thesis, 1995 for a greater appreciation of the complexity and richness of 'country'. While I do not want to usurp Indigenous peoples use of this term I most certainly invest 'place' with similar resonances.

⁷ Krim Benterrak, Stephen Muecke, Paddy Roe, *Reading the Country*, Fremantle: Fremantle Art Centre Press, 1984, p. 11.

⁸ Benterrak et al, 1984, p. 11.

⁹ Homi Bhabha, "Remembering Fanon" in *Colonial Discourse and Post-colonial Theory*, Williams and Chrisman (eds), Hertfordshire: Harvester Wheatsheaf, 1993, p. 119.

¹⁰ Bhabha, 1993, p. 119.

¹¹ Veronica Brady, *Can These Bones Live?*, Sydney: The Federation Press, 1996, p. 46.

a physical kind.” She cites Paul Carter who suggests however, that many colonial settlers achieved this by weaving “a fabric of self reinforcing illusions”¹². Brady’s point is that the fabric, the life woven, has its own integrity. It cannot be easily dismissed as mere illusion. Rather she understands that:

[h]uman beings cannot live in a state of meaninglessness. They need to construct a system of meanings to install them in imaginary relations to their actual situation – this system of meaning can be related to reality in a double way, to the facts of reality and to the experiences which give rise to them.¹³

Most certainly it is about finding “the way to survival.”¹⁴ This accommodation of mapping (both in its strictly cartographic sense and then as a metaphor for identity) has been productive as a means of articulating the relationship of people to places.

In the following section I reflect on the map as a western cartographic representation of landform, “a symbolic and technical” representation of space prior to “deterritorialising”¹⁵ it, in Deleuze and Guattari’s sense, to make it productive of many other meanings. In a sense the map produced is not itself an object or a result but rather an indicator of a mapping process, an act in the dialectic between personal identity and the sensed world.

Cartography is the science of map-making concerned with the representation of landforms, vegetation, mineral and administrative boundaries in unbiased ways. Through “a tacit set of rules and conventions (contour lines, symbols, projection, orientation, graticular grid etc)”¹⁶ the cartographer imparts specific information about the landscape and the topographic features. These features include “not only visible and tangible items such as hills, valleys, buildings and roads, but also important arbitrary information, invisible features such as administrative boundaries and frontiers, place names and such.”¹⁷ The information shown on the map may not always be physically evident in the topography either. Or, the land surveyor may not have

¹² Brady, 1996, p. 46.

¹³ Brady, 1996, p. 47.

¹⁴ Brady, 1996, p. 47.

¹⁵ Deleuze and Guattari, 1987, p. 9.

¹⁶ Wayne Tinlin, *Dreamtime Mapping School of Surveying and Land Information*, Bentley: Curtin University, 1995, p. 4.

¹⁷ GRP Lawrence, *Cartographic Methods*, London: Methuen, 1971, p. 3.

mapped an object such as a pipeline that does not yield a continuous line on the ground, but is there under the ground.¹⁸

Although a map may aim to depict as much of the ground information as possible there is always a demand to balance the need to fulfil the map's purpose and conform to cartographic conventions. Obviously "maps are selective."¹⁹ Maps are drawn for particular purposes, for instance, demarcating state and shire boundaries or the building of roads. Decisions about what information to include or exclude are made according to the purpose of the map. This means that the completed map is, in effect, a cartographic model.

In *Imagined Communities* Benedict Anderson pushes this further when he claims that:

[a] map *anticipated spatial reality*, not vice versa. In other words, a map was a model for, rather than a model of, what it purported to represent ... It had become a real instrument to concretize projections on the earth's surface ... [my emphasis]²⁰

"The act of mapping is thus both a spatial and social construction."²¹ That the map is "a model for" rather than "a model of" space is understandable, the cartographer represents what s/he is trained to see. S/he must then prioritise what the specifications for a series of maps dictate. The map as a model and its political potential can be understood through a consideration of the direct relationship between "the cartographic project, the acquisition of knowledge and the wielding of power".²² While it is not my intention to provide an analysis of cartography and colonialism I do want to make the claim that colonialism is fundamental to the production of nations and further that it impacts directly on the lives of individuals through the construction, albeit indirectly, of certain social categories and the drawing of maps.

¹⁸ Lawrence, 1971, p. 31.

¹⁹ Tinlin, 1995, p. 4.

²⁰ Benedict Anderson, *Imagined Communities*, London: Verso, 1995, pp. 173-4.

²¹ Jane Jacobs, *Construction of Race, Place and Nation*, Peter Jackson and Jan Petman (eds), London: UCL Press, 1993, p. 102. Jane Jacobs, a research fellow in the Department of Geography at the University of Melbourne, has published on the cultural politics of heritage designations in both Australia and Britain. Her current research focuses on postcolonialism and space. Jacobs says of geography it "has long been seen as a discipline complicit with imperial intent."

²² J.B. Harley, "Maps, Knowledge and Power" in (D. Cosgrove and S. Daniels) (eds), *The Iconography of Landscape*, Cambridge: Cambridge University Press, 1988, p.27.

According to critical geographer, Jane Jacobs, the “technical form [of the map] belies a political potential which is complicit in the continuing negotiation of power and identity in settler states such as Australia.”²³ The fiction of *terra nullius* while never denying the presence of Indigenous people, did assert that Australia was a land devoid of a recognisable system of law and land ownership. This resulted in the:

British appropriation of the land we know today as Australia [being] implemented by establishing boundaries within that land mass and by naming the areas thus created. This new partitioning, while socially meaningful to Europeans, did not incorporate, indeed failed even to notice, pre-existing boundaries sanctioned by daily usage, confirmed over millennia, and sacred, in the religious sense, to a sizeable population.²⁴

In effect because Indigenous land use activities were presumed not to have transformed the natural (space) into the cultural (place), Aboriginal sovereignty was not officially recognised.

In his piece “Aboriginal Country: Not a Construction, a Way of Being”, Hugh Webb makes a similar point when writing about the cultural positioning of wetlands by insisting that “the Aboriginal ‘map’ has been massively overwritten with alien names and alien divisions.”²⁵ And Benterrak, Muecke and Roe make the point that:

[f]or the nomad, Australia is still not divided into eight “states” or territories, it is criss-crossed with tracks. The smooth space of these invisible and secret tracks has been violently assaulted by the public checker-board grid of the states. This means boundaries to be patrolled.²⁶

It was the imposition of State boundaries, marking of sites significant to English settlers and the use of English names “within the colonial project [and] the making of maps that constructed a possessable ‘other’ place (and people) and provided a practical guide for dispossessing ‘others’ of their place.”²⁷ One result of this colonial mapping was the homogenisation of approximately six hundred different language

²³ Jacobs, 1993, p.102.

²⁴ Helen Watson with the Yolngu community at Yirrkala and David Wade Chambers, *Singing The Land, Signing The Land*, Geelong: Deakin University Press, 1989, p. 43.

²⁵ Hugh Webb “Aboriginal Country: Not a Construction, a Way of Being” in *Western Australian Wetlands, The Kimberley and South West*, Rod Giblett and Hugh Webb, Perth: Black Swan Press, 1996, p. 62.

²⁶ Benterrak et al, 1984, p. 219.

²⁷ Jacobs, 1993, p.100.

groups into one 'Aboriginal' people. Or as Graham Huggan in "Decolonising the Map: Post-Colonialism, Post-Structuralism and the Cartographic Connection" writes:

The "contradictory coherence" implied by the map's systematic inscription on a supposedly "uninscribed" earth reveals it, moreover, as a palimpsest covering over alternative configurations.²⁸

This politically expedient construction, partially enacted through mapping, was a means of organising, regulating, and controlling the lives of Indigenous peoples.

But of course, it is not just Indigenous lives that are organised and regulated. Every life is regulated. Every life is mapped. I transgress momentarily in my discussion of colonial mapping to mention something of my own experience of space. Until recently I paid little conscious attention to the narrativity of my own life. Hence, for the most part it is difficult to determine what catalysts influence both the experiencing and narrative self. Space is certainly one catalyst. For instance, my experience in The Home of the Good Shepherd, is a case in point.

At nine years of age I lived in The Home of Good Shepherd. My personal space was a bed, a bedside locker and enough floor space to make the bed, dress and kneel to pray. There were a group of slightly older girls – though the same age as many others who shared the dormitory – who had rooms downstairs where there were only two or four in a room. These girls were to me privileged. It was not just that they had so much privacy that made me feel they were privileged, they were also exempt from waxing and polishing the enormous dormitory and veranda floors. At nine though I did not question their privilege.

For many years, I did not think of the girls with their privacy again. Then in my mid-teens, no longer in the institution, I realised they were not privileged, they were isolated. Not only that, they were different. Some catalyst triggered my understanding that those girls were 'Aboriginal' and that they were treated differently as a consequence. This recognition created a link in a narrative for me, one about Indigenous and non-Indigenous relationships.

²⁸ Graham Huggan, "Decolonising the Map: Post-Colonialism, Post-Structuralism and the Cartographic Connection", in *Past the Last Post*, Ian Adam and Helen Tiffin (eds), Hertsfordshire: Harvester Wheatsheaf, 1992, p. 128.

Much later the correlation between State policy and legislation that determined even the personal lives of individual girls became apparent. The trajectories that their lives had taken were markedly different from my own because the official and cultural narratives that determined their lives were different from the ones that determined mine. But we were in the same place. In that moment we shared a similar map. For the 'privileged girls' the link between personal and official narratives, between the way they lived their lives and government legislation is obvious. Though I would not want to claim that similarities could be drawn between their experiences and mine, there are connections that need to be understood.

These connections need to be understood for significant relationships to be formed. For in the same way that official cartography can be part of an ongoing colonial enterprise, so too can personal mappings. People can engage with Australia as a European entity. They can travel through the country never meeting or talking with Indigenous people. They can leave unquestioned histories of Australia that rely on notions of *terra nullius*. Or, they may retain primitivist notions of Aboriginality or paternalistic attitudes. There are those people who feel angry at what they see as unequal treatment in favour of Indigenous people and those who are opposed to land rights. Some people want a relationship with Indigenous people and their understandings of Australia but have no mechanisms for securing that and are consequently locked into what is 'given' to them, a colonial identity, a map of estrangement.

Jane Jacobs argues for the deconstruction of the colonial map as a way of foregrounding "the construction of certain social categories" and subsequently of unmasking Indigenous mappings. The possibility for such a deconstruction, according to Graham Huggan is possible once the "contradictory coherence" of the map is "brought to light, [in turn] indicat[ing] both the plurality of possible perspectives on, and the inadequacy of any single model of, the world."²⁹ Deconstruction then involves "focusing on the inevitable discrepancy between the "natural" and the "imitated" object,"³⁰ that is on the map as model. Huggan continues, asserting that this will "displace the 'original' presence of the west in such a way as to undermine the ideology that justifies its relations of power."³¹ This is in agreement with Jacob's claim that

²⁹ Huggan, 1992, p. 128.

³⁰ Huggan, 1992, p. 129.

³¹ Huggan, 1992, p. 129.

“uncovering the politics of the maps production can be a step in excavating its complex role in the continuing practice of colonialism and hints at the subversive spatialities of postcolonialism.”³² As she points out, “the traditional authority of the colonial map is disrupted by anticolonial nationalisms and minority insurgencies”³³, such as Aboriginal land rights claims.

1.2 A metaphor of mapping

At this point I want to rethink mapping. I want to imbue it with the “imaginative and spiritual” of Brady’s metaphor. In Deleuze and Guattari’s terms, I want to deterritorialise it as a precursor to employing it differently. In this section I use mapping as a way of understanding and articulating the construction of identity, which of course does not preclude colonial identities, but is productive of many other identities. In part my decision to do this is generated by the obvious inseparability of space and people in both the process of mapping and its deployment which, in turn, points to its potential as a point of mediation or a means of negotiation, just as it is often a point of conflict.

Pile and Thrift, in their book, *Mapping the Subject: Geographies of Cultural Transformation*, claim that “the difficulty of deploying the representational metaphor of mapping is its history of subordination to an Enlightenment logic in which everything can be surveyed and pinned down.”³⁴ Such a claim is justified when what is meant is the rigid, colonial map described by Jacobs (which many Australians still adhere to it). Here I draw on Deleuze and Guattari’s discussion of mapping in *A Thousand Plateaus*. They regard the colonial map as a tracing, and, make significant distinctions between tracing and mapping. They liken a tracing to “a photograph or X ray that begins by selecting or isolating, by artificial means such as colorations or other restrictive procedures, what it intends to reproduce.”³⁵ For them it is a violation of mapping in that it neutralises the multiplicities or the production of knowledges about a place or places. It produces and reproduces nothing but itself, a linear progression from one point to another, a marker of distance and time, not places and people. An

³² Jacobs, 1993, p. 102.

³³ Jacobs, 1993, p. 102.

³⁴ Steve Pile and Nigel Thrift (eds), *Mapping the Subject: Geographies of Cultural Transformation*, London: Routledge, 1995, p. i.

³⁵ Deleuze and Guattari, 1987, p 13.

example of such a tracing is the colonial map of Australia that overrides and denies pre-existing Indigenous mappings.

For Deleuze and Guattari the map is about performance; for them it is “an experimentation in contact with the real.”³⁶ They go on to describe it in detail:

The map is open and connectable in all of its dimensions; it is detachable, reversible, susceptible to constant modification. It can be torn, reversed, adapted to any kind of mounting, reworked by an individual, group, or social formation. It can be drawn on a wall, conceived of as a work of art, constructed as a political action or as a mediation ... it always has multiple entryways, as opposed to the tracing which always comes back “to the same.”³⁷

Thus it is that the usefulness of the map as a metaphor for identity “lies in the implication that [it] does not simply describe what is. It is rather that the strings of meaning produce the holes in the material world in such a way that what is represented is as much a product of the unsaid as of the said”³⁸ allowing for the effects of the personal. As such it is “an articulation with the real” and is consistent with the ways that Benterrak, Muecke and Roe make meaning of Roebuck Plains. They perform their own identities, create their own maps for they are aware that the country has no inherent meaning.

It is not heavily signposted so that visitors can be quite clear where they are and which way they should go to fulfil their purposes. Rather, the meanings of the Plains are constructed in language, that is, in dialogues which have a certain purpose or direction based on the sorts of signs, appropriate to their knowledge, which different people see in the country.³⁹

Neither is the country, or their reading of it, the same for each of them. Rather, it and their book is “an attempt to construct a theory of place, to find a method of charting the meanings of those specific places in which people [they] must find a way to live in one manner or another.”⁴⁰ What is suggested is that individuals must perform their own mapping, construct their own meaning, make their own sense of the

³⁶ Deleuze and Guattari, 1987, p 12.

³⁷ Deleuze and Guattari, 1987, p 12.

³⁸ Rosalyn Diprose and Robyn Ferrell, *Cartographies Poststructuralism and the Mapping of Bodies and Spaces*, North Sydney: Allen & Unwin, 1991, p. viii.

³⁹ Benterrak et al, 1984, p. 12.

⁴⁰ Benterrak et al, 1984, p. 12.

place and subsequently self. And so it is that Benterrak, Muecke and Roe too have influenced the use of mapping as a metaphor in this work.

When maps are understood as dynamic social formations and works of art, as suggested above, they are necessarily productive of the “synthesis of human and physical elements.”⁴¹ This synthesis insists on dynamism, for while landscapes may be misunderstood by some as relatively fixed, when overlaid with human and spiritual interactions this misconception is exposed. One need just consider the ways in which Aboriginal landscapes are “at one level a map of a real landscape, at another level a simple and decorative depiction of objects and creatures in that landscape and, at a third level, a telling of a sacred myth.”⁴²

Deleuze and Guattari’s definitions of tracing and mapping are productive at a number of levels, as a way of articulating the complex relationships between the many personae that are each person, other people and places. These metaphors are further augmented by their concept of the rhizome, which they liken to couch grass.⁴³ It spreads in all directions, on the surface and below ground, it can be broken into segments, develop new roots and continue to grow. Deleuze and Guattari write that:

[a] rhizome may be broken, shattered at a given spot, but it will start up again on one of its old lines, or on new lines ... Every rhizome contains lines of segmentarity according to which it is stratified, territorialised, organised, signified, attributed, etc., as well as lines of deterritorialisation down which it constantly flees. There is a rupture in the rhizome whenever segmentary lines explode into a line of flight, but the line of flight is part of the rhizome. These lines always tie back to one another.⁴⁴

Huggan suggests that “if the map is ... conceived of as rhizomatic (‘open’) rather than as a falsely homogeneous (‘closed’) construct, the emphasis then shifts from de- to reconstruction, from mapbreaking to mapmaking.”⁴⁵

A person’s life is similar. There is a progression from birth to death, marked by significant events: birthdays, school and children. Relationships with parents,

⁴¹ Tinlin, 1995, p. 25.

⁴² David Chambers, *Imagining Nature: Nature and Human Nature*, Geelong: Deakin University, 1984, p. 53.

⁴³ For further discussion of the usefulness of Deleuze and Guattari’s metaphors of the map and rhizome see Diana Brydon, “TroppoAgitato: Reading and Writing Cultures in Randolph Stow’s *The Visitants* and Ruby Weibe’s *The Temptations of Big Bear*”, *ARIEL* 19.1, 1988, pp. 13-32.

⁴⁴ Deleuze and Guattari, 1987, p. 9.

⁴⁵ Huggan, 1992, p. 133.

grandparents and others, including, places enrich and influence the trajectories that each person follows. Some of these relationships may be maintained over years, others may be fleeting; the sight of an unknown woman crying or a short stay in a place. These relationships are like the rhizome that breaks up. They are potentials for new interactions; they are possibilities for engaging with other people and places. Every relationship has the potential to produce many others; each is like the “segmentary line that explodes” that “forms lines of flight”. And, each adds to the repertoire of stories that is us.

Through the relationships with people and places we construct, deconstruct and reconstruct our identities, we map who we are. It is not that identity is:

... just an ideology of a particular set of social practices. The values, conflicts, histories, and ambiguities which characterise our identities are not arbitrarily constructed from possibilities in the social realm. They are embodied through the process of engaging with our external and internal worlds. Cultural identity is a symbolic marker for a complex array of experiences, memories and emotional histories which become situated within our transforming bodies.⁴⁶

This in many ways may sound like little more than postmodernist play. The idea that people can take on, or discard identities, that is to construct and deconstruct subject positions, has been criticised. This is apt criticism when people get caught in the rhetoric of ‘Otherness and difference’ without engaging with people or place. But, I do argue that we construct and deconstruct our identities all the time, as is obvious in the different personae we adopt in private and public spaces. These personae perform functions, they are complex, multiple, ever changing and embodied. They too are rhizomatic segments.

There is after all no ‘authentic’ self. There are ways of being in the world, of interacting with people and places that are productive of identities. So it is naive logic that may lead to the conclusion that “if constructions are ‘artificial’ they lack ‘reality’ or do not ‘exist’.”⁴⁷ Subjects are constructed, construct and reconstruct ourselves, focusing in particular, on the role of place in this process, and “placing the subject”⁴⁸

⁴⁶ Ian Anderson, “Speaking Positions”, in *Aboriginality, Gender and Ethnicity in Australian Cultural Studies* (eds), Penny van Toorn and David English, Melbourne: Dept of Humanities, 1995, p. 37.

⁴⁷ Peter Jackson and Jan Petman (eds), *Construction of Race, Place and Nation*, London: UCL Press, 1993, p. 3.

⁴⁸ Pile and Thrift, 1995, p. i.

in Pile and Thrift's terms. 'Placing', here, is not, as they also say, presumed to be either merely and exclusively about someone's real location or free of metaphorical, imagined and symbolic significance. Place however is local. It is also the starting point for every map. It is the site from where the cartographer begins. Place *identifies* the cartographer.

1.3 Mapping "Lines of Flight"⁴⁹

In this section I recount several personal stories. The events narrated and the places in which they have occurred are significant to the construction of my identity, they determine who I am and how I relate to others. Of course the significance that I now assign to each event was not necessarily apparent at the time. It is as Webb suggests in "Soyinka's Novelistic Autobiography" that "the past experience can attain a degree of symbolic relevance that was not obvious at the time it happened."⁵⁰ However, there are equally experiences that are instantly recognisable as significant.

Each experience or narrative has a rhizomatic relationship to other narratives. They are "lines of flight" that "tie back to one another". Which set of trajectories I choose to follow, which stories I narrate are motivated by particular desires. Because relationships between Indigenous and non-Indigenous people are central to this thesis I revisit trajectories that account for my relationship with Indigenous people. So it is that a feeling of connectedness with a particular people and place has a history. For instance my own relationship with people in Roebourne in 1998 has a history. I consider a particular relationship, that with Marshall Smith, a Bunjima man who I worked with and with whom I have developed a friendship. He and his family have been directly influenced by the 1905 Aborigines Act, the pastoral industry, the 1967 referendum and citizenship, loss of land, widespread community alcoholism, Aboriginal deaths in custody, mining and more recently the High Court's Mabo decision and native title claims. I, on the other hand, am a white Australian woman, and my grandparents and great grandparents have been gold prospectors, miners and railway workers in and around Kalgoorlie – a Western Australian town significant for gold – and banana plantation owners. I am an academic teaching in the field of

⁴⁹ Deleuze and Guattari, 1987, p. 3.

⁵⁰ Hugh Webb, "Soyinka's Novelistic Autobiography", in *New Literature Review*, W.D. Ashcroft (ed), No. 5, 1978, p. 12.

literature and working when the opportunity arises, on social justice issues. Relationships with people in Roebourne were facilitated by childhood experiences in Hoe of Good Sheperd, a holiday to visit a friend in 1991, and a chance encounter with a Bunjima woman while on that holiday. As an adult I remember Derby, have nostalgic connections to Kalgoorlie, and work when possible in Roebourne where I renew old friendships and acquaintances and embark on new relationships.

I try to think now about my own history in relation to this country and people I have relationships with, in Deleuze and Guattari's terms, as a way of mapping rather than constantly tracing and retracing it. Doing this is a production, a performance of my own identity, a "becoming". I become Irish gold prospector and railway worker through family stories and photographs; child explorer of mangrove swamps through living memories; visitor to 'white by invitation only areas' through Yamagi and Nyoongar friends; a north bound traveller through a desire for connectedness and a sense of self; problematic tourer of Pilbara mine sites through academic privilege. Of course this list is arbitrary. I could also become mother, teacher, conference-goer and so travel many other trajectories, recreate many other histories and so draw quite different maps.

1.4 Learning to trace

My formal knowledge of what Australia might be began in my fifth year of primary school. We were each given a green plastic template (or map), of what was described as an island continent, to trace around. Tasmania had to be drawn freehand, if it was remembered at all. Little wonder many students thought Australia consisted of five States and two Territories. A sharp pencil was prodded through dotted holes that marked State boundaries. The name of each State and capital city was thereafter appropriately inscribed. In subsequent lessons we traced in rivers, mountain ranges, soil and vegetation types, climatic regions and finally population densities.

I remember at the time struggling to connect all the parts. I could not see the relationship between the world I lived in – Kelmscott, a small Perth suburb nestled at the foot of the Darling Scarp, in the south-west of the state and Derby – in the Kimberley region in the north-west of the state, my once short lived but much loved home. To suggest that Melbourne and the Snowy Mountains were also part of this

same world certainly did not make sense. These lessons in geography were abstract, they were mere tracings, in Deleuze and Guattari's sense, and they omitted the stories that connect people to other people and to places.

Like most other children, including Indigenous children, I learnt that the Dutch and the British 'discovered' Australia. Most importantly, Captain Cook landed on the East Coast in 1770 and claimed the land for Britain. We were taught that the individual States were formed as the country was explored and opened up to settlement. This colonial history was always incomplete. For instance, although we were taught that Australia had been a penal colony, we were told little of English imperialism in Ireland, which accounted for the large Irish population in Australia. It is therefore not surprising that Indigenous histories were not taught⁵¹. Clearly Australia was not 'discovered' by the Dutch and British and there was a recorded history prior to 1770. However, for the most part, colonial teachings have masked Indigenous and other histories.⁵²

In these lessons, there was no discussion of Indigenous sovereignty, land rights and customary law, nor was it mentioned that the term 'Aboriginal' was imposed upon Indigenous peoples as a way of homogenising them. No account was given of the approximately six hundred language groups that existed in Australia prior to colonisation or to the cultural differences between these groups of people. It is only now when I look back at geography lessons that included any mention of Aboriginal people that I realise just how limited, romantic and primitivist these lessons were. In part this realisation is based on my never having connected Aboriginal friends in my classes with the people we studied. I can only imagine what it has meant for Indigenous children to learn this same history and trace the same map of Australia. As a child, I did not understand the colonial implications of the map we learnt to trace. As an adult, I realise many Indigenous children understood and *lived* those implications.

⁵¹ Aboriginal Studies is still not compulsory in Australian schools, there are still not enough qualified teachers who have the knowledge required to teach in this field, Aboriginal people without teaching qualifications are usually only asked to speak to students on special occasions. In Western Australia in the 1960s these options were not available.

⁵² As Eve Mumewa Fesl, *Conned St Lucia*: University of Queensland Press, 1993 points out most Anglo-Australians retain the view that their ancestors were the first outsiders to reside in Australia, although Koorie records, in the form of paintings and oral history, attest to the fact that the Macassans were frequent visitors prior to the British arrival.

The piece of hard green plastic is a colonial stencil or a tool of a colonial enterprise. It is a mimetic representation of Australia. It appears neutral and ahistorical, an innocent representation of space. In this sense the map is, as Jane Jacobs says “a symbolic and technical language of space.”⁵³ It demarcates spaces, names them in particular ways. It is inflexible, it imposes its colonial ideology on all who trace around it and fill in state names and capital cities. It masks Indigenous histories by insisting upon state boundaries that have no respect for relationships between Indigenous people and places. It allows no scope for the student who wants to do more than merely trace one particular history.

1.5 Irish gold prospector

In the early 1970s I travelled by train across the Nullarbor Plain, from Perth to Adelaide. The journey allowed me a glimpse of the extreme isolation that early mining and railway workers families lived with. My own family had moved from the Victorian to the Kalgoorlie goldfields in the 1880s and several of them had later worked to lay the transcontinental railway line that I was now travelling on. My grandmother had recounted stories of life on that isolated track. I realised later that her stories were carefully selected, they provided a particular history without ever overtly signalling the omissions.

My grandmother never spoke of any relationship with Indigenous people. Their most frequent visitors, on the train line, would however have been local Aborigines and cameleers. And, in the 1880s, as families such as my own were moving to the goldfields, Aboriginal families were moved off their lands, often becoming fringe dwellers dependent on government ration depots. These Irish refugees became wealthy at the direct expense of, for the most part, Wongi people.

When I return to Kalgoorlie now, the history of dispossession and poverty is impossible to ignore. Children laugh as some Indigenous people stagger along the streets. Adults look with disgust or perhaps pity at the same people. Developers of new housing areas replicate Perth suburbs in all their antisepticness. These are obviously not meant to be the homes of the dispossessed. Other developers, usually state funded, build inadequate housing for Indigenous families. There is a perverse

⁵³ Jackson and Petman, 1993, p. 3.

pleasure however to be had from contemplating the narrow streets of Kalgoorlie's new suburb, Lamington – Kalgoorlie is one town renowned for having the widest roads in Australia – the possibility that gold might be buried beneath these organising grids has created a demand for a new 'economy' that only allows for streets barely adequate for two cars to pass.

With each return to Kalgoorlie I accumulate more stories, and new knowledges are, as Foucault says, disinterred. Through them maps are produced – not the tracings learnt in school – but, 'postcolonial' maps: ones that connect people and land; that tell of Aboriginal deterritorialisations and Irish reterritorialisations (though of course they are never only Irish). It is not the case that these territorialisations are either merely positive or negative – though of course they are often either or both – they are productive. Knowledge of Wongi dispossession does not cause me to disavow my Australian-Irishness, it does not negate my connectedness, even love of, Kalgoorlie, it causes me to re-imagine or re-map this place taking into account its many other stories. It teaches me that there are many ways to be in the world.

1.6 Child explorer of mangrove swamps

It was on the *Kangaroo*, a State Ship, that we journeyed, when I was almost seven, from Fremantle to Derby. We traced the Western Australian coastline in Deleuze and Guattari's sense of a tracing described above. On disembarking in Derby I was utterly perplexed by the world; city, cars, noise and multitudes of people were replaced by empty spaces, red earth and black faces. Had we travelled by road the distance and changes in land, climate, flora, fauna and people would have been observable, we would have mapped a 'becoming' Derby. The lack of mapping resulted in Derby initially being diagrammatic, "having neither substance nor form, neither content nor expression."⁵⁴ It meant that in year five geography Derby and Perth had little relationship with each other.

An 'explorer of mangrove swamps' may well not appear to be a grand profession, it meant however to be the most fortunate explorer of all. We, my sister, the neighbourhood kids and myself, ran unchecked and bare footed through what I now consider to be dangerous, snake infested grounds. We knew boob trees – one of

⁵⁴ Deleuze & Guattari, 1987, p. 141.

the biggest divided our yard from that of the neighbours – as we knew every hiding place and certainly the best spots from which to execute an ambush. We knew that if we went to the park and found an old man drinking we could cadge money for ice cream, or most often lollies that could be more easily shared. We knew the country and its people as children do.

Derby was no longer a mere tracing, a diagram, an abstract mark on a map. It now had “substance and form, content and expression.” Although it was an isolated mapping it became the impetus for many more mappings. There is always a danger that childhood experiences become romanticised, larger than life, but their importance as a catalyst in creating significant relationships should not be ignored.

1.7 A trip to Roebourne

For generations of Western Australians, the name Roebourne conjures up images of ‘violent, drunken Aborigines who do nothing to better their situation.’ On page 15 of the Western Australian newspaper, Saturday March 1, 1997 there was an article titled “Meeting bridges cultural divide”⁵⁵ written by Wally Eves, an ‘average family man’ on holiday with his family. He describes his encounter with Roebourne and some of its inhabitants:

We parked the car, got out and stood around talking. The dominant scene was one of countless Aborigines in various stages of inebriation – some staggering around the street, others lying in the grass area opposite the hotel block, some sitting on the footpath, a few yelling at each other ... Then the man got to his feet, and seeing us looking in his direction, flew into a rage. Throwing his arms in the air and yelling abuse, he headed towards us. With Aborigines everywhere and a possible danger of confrontation, I suggested we get back in the car.⁵⁶

Although Eves goes on to explain that there was no altercation and rather that he and his family enjoyed a conversation with their ‘potential aggressor’ this article re-inforces the ‘well known fact’ that Roebourne is a violent town that few whites would want to visit. Although there are many other readings of Roebourne, as Benterrak, Muecke and Roe remind us “...the readings of a place are not infinite. They

⁵⁵ Wally Eves, “Meeting bridges cultural divide” in The Western Australian, Perth March 1997, p. 15.

⁵⁶ Eves, 1997, p. 15.

are perhaps theoretically infinite, but in practice, through history, certain readings appear, proliferate, then fade away when history no longer provides for them.”⁵⁷

That the Ngulama, Injibarndi and Bunjima peoples from the coastal plains between Karratha and Whim Creek, the tablelands south of Port Hedland through Millstream National Park to Tom Price were all forced into one small town by the pastoral and mining industries is ignored in this account. So too is the personal and cultural devastation caused to people and place by the overnight arrival of two thousand miners into the town during the 1960s mining boom. These histories fade or have never been considered. Certainly, experiences that are ‘Iremugado’,⁵⁸ Ngulama, Injibarndi and Bunjima, are rarely, if ever, allowed to mediate Eves account. These are the experiences that “history no longer provides for” adequately.

For me, the description of Roebourne provided by Eves bears little resemblance to my experience of the same place, because I have travelled quite different trajectories. In October 1991 Cherry Hayward, our children and myself drove from Perth to Roebourne to visit Reg Yates, Cherry’s partner. Reg was working with the Department of Education Employment and Training and had been living in Wickham, a mining town ten kilometres north-west of Roebourne for three months trying to negotiate employment opportunities for local Indigenous people with Hamersley Iron. We spent a night in Carnarvon and picked up Cherry’s sister and her daughter. It was the school holidays and on this trip we were tourists. We were going to explore an area of country relatively unknown to me, to enjoy swimming, hunting and meeting new people.

This was not all that happened however. Our visit to Roebourne was extraordinary, not merely a holiday. We heard stories and saw incidents that to the residents were everyday occurrences but to us as visitors were remarkable, perhaps uncanny or sublime⁵⁹. This visit was a significant event in my life, it became a catalyst for understanding many of the complex enduring ramifications of past and present legislation on the lives of Indigenous people and most importantly my relationship to it.

⁵⁷ Benterrak et al, p. 12.

⁵⁸ This is the local name for Roebourne.

⁵⁹ To suggest that this was sublime in the Gothic sense may be to invest these occurrences with an unspeakability that is belied by my recounting of the events. However, it is a notion of unspeakability and unbelievability, or perhaps from Lyotard, incommensurability, that I do want to suggest.

I discuss several of these incidents here, not to shock, but to demonstrate the ways they acted as a catalyst for the concerns of my work, including this thesis. It was while we were staying in Wickham, for instance, that we met a Bunjima woman⁶⁰ whose story prompted me to do a great deal of thinking about the role and responsibilities of white academics in the fields of postcolonial theory and Indigenous studies. I experienced some of the anger and pain felt by Roebourne people about the death of a sixteen-year-old youth⁶¹ at the hands of the police.⁶² Further, I witnessed some effects of the Commonwealth Government's designation of the Millstream area as a National Park and, the result of mining activities, including the dispossession of land, on the lives of local people. Each of these events are features on a map, or a series of maps, that produce my understandings of Roebourne.⁶³

1.8 "In Memory Of"

Our first activity as tourists was to visit Cossack, the first European town built in the Pilbara, now a tourist attraction. While we were there we went inside the old gaol. It always surprises me how gaols become art galleries and museums. It is perhaps even more surprising that tourists, such as us, visit these places etched as they are with peoples' sufferings. We looked through the cells. Cherry stood in one, peering out through the bars as a prisoner might. We photographed her laughing, as only someone who is playing can do.

Still in our role as tourists we drove from Cossack to Roebourne. Here too we visited the old gaol. I stood and read through the visitors book, the catalogue of names of visitors who like us, or unlike us, had come to this place for their own purpose. I read aloud. There was the usual list of comments that accompany names and addresses in such books – "interesting", "glad we came", "what dreadful conditions people were kept in". Then an unexpected entry, one that that shocked me, made me feel complicit in an

⁶⁰ See my Introduction for details of this account.

⁶¹ Many Indigenous people do not speak the name of those who have died. Although this practice is not something that I must observe it is a custom that I respect.

⁶² *The Royal Commission into Aboriginal Deaths in Custody*, which has investigated the deaths of many Aboriginal people in Australia is discussed in some detail in Chapter Six. It must be noted that despite the Royal Commission deaths in custody are still occurring.

⁶³ A quite different map of Roebourne was presented to myself and other members of the 1995 Chamber of Mines Pilbara Mines tour. It could be described as a type of tracing or a sterile, self-interested map of the interests of several mining companies. My description of it as self-interested comes from the lack of engagement with Indigenous concerns for land that was expressed by the mining companies.

un-condonable history. It read, “in memory of J.P.,” dated “the anniversary of his death, and signed, “the ghost of J.P.,” the youth who had died in police custody. As I finished speaking the words a voice behind me warned that as I was white I should not be heard saying that name.⁶⁴ I was overwhelmed by a sense of vulnerability. It might seem to be a strange response, but later as I re-thought that moment and tried to understand my feelings I felt responsible. No wonder I felt vulnerable.

1.9 Green ‘picket’ fences

Later as we were driving through the village, built in 1975 to house the Ngulama, Injibarndi and Bunjima people who had been living on the old reserve, Reg pointed to rows of newly erected fences. They were approximately three feet high, extended across the width of each house and were freshly painted in apple green. The fences were truly something to look at. They were so out of place. For me they were the ‘picket’ fences from many a ‘feel-good’ sitcom. They demarcated the public space of the verge from the private space of homes in a way, which disrupted a sense of community that usually characterises Indigenous living areas. These fences had been recently erected. In front of most fences were piles of uncollected rubbish, behind them were tables and chairs bought out from the houses so that people could sit in the cool afternoon and evening air.

At various times, when I have spoken to people about the green fences, I have been asked for photographs. This is of course not an unusual request. Taking photographs of places we visit is most often taken for granted especially when we are tourists. A photograph of the fences without any context would however have been meaningless. And a photograph of the fences framed by Indigenous people drinking and piles of rubbish would presumably elicit several responses, few of them focusing on the inappropriate imposition of western ways of living and values on Indigenous people. Here I am reminded of Eric Michaels’ question: “What truth are we to see in this picture?”⁶⁵.

⁶⁴ This reversal of common practice, I as a white person not being able to use the name of someone who had passed away, was a marker of the anger and despair that the community felt about this death. It also foregrounds the way in which members of the Roebourne community recognised that this death was not merely the result of the actions of a few violent police. It had much broader connotations.

⁶⁵ Eric Michaels, *Bad Aboriginal Art. Tradition, Media and Technological Horizons*, St Leonards: Allen & Unwin, 1994, p. 12. I have discussed this in more detail in a review of *Bad Aboriginal Art* in *Alternative Law Journal* Vol 21, No 1, February 1996.

1.10 No dogs allowed

Millstream National Park is just two hundred and thirty kilometres east of Roebourne. It is a remarkable place. It is an oasis on the edge of the desert where large pools or streams of water are surrounded by cotton palms, ferns and paper bark trees. Enormous lily pads float on the water. Birds, insects and many other animals live within the park. If you sit beside one of the pools and look at the lily pads long enough it is possible to imagine that you are in the lush tropics not the desert country of the Pilbara.

We drove into Millstream and parked at the visitors' centre, once a station homestead. While there we were approached by a ranger and told that we should not be in the park because we had a dog with us. In 1989 Millstream was declared a national park. It became one of many protected areas. People could no longer take dogs into the park, thus protecting animal life. At the time this seemed reasonable. We agreed to leave our dog locked in one car at the visitor's centre, have everyone squeeze into the other car and do just a quick trip through the park. We would come again without the dog.

As we left the park and drove back towards Roebourne someone commented on the groups of people living under small clumps of trees. The sparse, hot, dry conditions there were a stark contrast to the oasis we had just left. Reg explained that, since Millstream had been designated a National Park people who had lived in the area for centuries, if not millennia, were no longer allowed to live there. *Presumably because they kept dogs.* A tracing for dogs! A tracing for people!

Since 1996 my own relationship with Roebourne, the village and Millstream has been considerably enriched. No longer do I visit any of these places as a tourist but rather as a friend and a colleague. In December of that year myself and a friend and colleague, Andrew Turk, also from Murdoch University, began to work with a group of Ngulama, Injibarndi and Bunjima people who were setting up a cultural awareness group. This group, Ngurra Wangkamagayi, provides cultural awareness training for miners, teachers, students and people interested in Indigenous culture. In the process of preparing courses and manuals for participants we spent an ever-increasing amount of time in the village and at Millstream.

Now in the village it is not the fences or rubbish I am aware of, except as the ghost of an older less connected relationship to this place. Certainly, there is no question of taking photographs, except those that are part of relationships. The village is now the home of friends. It has a history that I understand. When we visit Millstream, it is now with the knowledge that it is the traditional land of the Injibarndi people and to them it is Jindawarru, a sacred place where much of the Injibarndi law is situated. There is an enormous sadness for people who are not ‘permitted’ to freely visit, live, hunt in and therefore care for the land. When we are there however I have little sense of this alienation because during those visits people continually ‘sing the country’.

1.11 Travelling north again

Nine of us drove together from Perth to Broome and then to our final destination, One Arm Point and friends at the Bardi community. Reg Yates, who we had visited on our last trip north, our travelling companion this time understood the country quite differently than I did. The map Reg produced for us did not, for instance, explain New Norcia, a small town that we passed through on the way north and home to a Jesuit monastery and art gallery. It is a place that many Indigenous people do not like to drive through at night. It is a place where children stolen from their parents had been incarcerated and where many had passed away. The grounds and buildings that I had previously enjoyed, as a tourist, were not on our itinerary. Neither did he explain Moore River as the holiday destination that it has become for many. Rather, for him and other Indigenous people, it was the ‘native settlement’ in which many ‘half-caste’ Aboriginal adults and children were confined.

South of Carnarvon, Yamagi country, Reg said we could camp for the night near a creek, though he and Amy, his daughter, would not sleep with us. He thought it would be great fun to leave us with the *woodarchies* or featherfoot, ‘supernatural’ beings that might have fun with a group of *wadjellas*.⁶⁶ Not only was Reg enjoying a joke at our expense, he was also quite seriously explicating a spirituality that we had no access to. One that nevertheless exists and determines how, even urban people⁶⁷, map the land. This is a particularly important point today when Indigenous people

⁶⁶ Wadjellas is a Nyoongar term for white people.

⁶⁷ The use of this phrase is obviously forced. I use it in some ways ironically to critique those who suggest that urban Aboriginal people no longer have claims to land.

have to prove a continuous relationship with land before they can participate in native title claims. The joke functions to care for the land in similar ways to the Injibarndi stories told at Jindawarru, though couched as it is in the form of a joke, it challenges naive stereotypes about the format and purpose of Indigenous stories.

We arrived at One Arm Point mid-morning. There were now eleven of us. Cherry, Reg's partner, and Allan, a Nyoongar friend up north on holiday, joined us in Broome for the last leg of the journey. We were greeted by friends and taken to the community hall that was to be our home for the next two weeks. Several significant events occurred while we were there. We came away with a number of different maps.

One Arm Point is home for the Bardi community. It is situated on the tip of Cape Leveque. The Bardi people are initially from Sunday Island, three kilometres from where they now live. Missionaries moved them to the mainland. The community's main source of income is from the collection and selling of trochus shells to the Fisheries Department and tourists, as polished shells or jewellery.

We arrived three days after the death of an elder. Community members spent the week in mourning prior to the burial, which involved both traditional and Christian customs. Although we visited friends (particularly Francine, Tony and their children) during that first week, for the most part we occupied ourselves by exploring the community and driving down to Beagle Bay, a neighbouring community.

We spent the day of the funeral in the community hall aware that our very presence was an intrusion. At about 3pm a line of men and boys, all wearing formal suits, paraded from the elder's house up the hill to the community cemetery. As we sat in the hall we saw part of this procession. It struck me as surreal, yet it had a specific history. One woman with us picked up a camera and began to walk outside. I stopped her. Photographs of a procession of 'Aboriginal' people, all in formal suits, is most likely to act as a catalyst for stories about the exotic 'Other' rather than accounts of colonial history or even of cultural adaptation. And so. Lines of suits. Maps of grief.

As part of the anti-colonial project of this thesis it is necessary to try to understand and to thereby respect the identities of Indigenous people. This process is facilitated if we first understand our own identity – not as a direct equivalent of

Indigenous identity but as a ground from which to observe similarities and differences. (This is an individual and national imperative for the 1990s in Australia.)

“Narratives form a cultural contract between individuals, groups and our social universe. If narratives give our lives meaning we need to understand what those narratives are and how they come to exert such an influence on us”⁶⁸ according to Peter McLaren in his discussion on the importance of narrative for the construction of social identities. Again from McLaren “my position is that we need to be able to read critically the narratives *that are already reading us*” because “all cultural identities presuppose a certain narrative intentionally and are informed by particular stories.”⁶⁹ To do this we need to be aware of these narratives, recognise how they “place us as subjects”.⁷⁰ For this to occur we need to understand the differences between narratives, personal and official and, why it is that we “sanction certain narratives and discount others”.⁷¹ Why do we do this? What are the political, ideological and emotional motivations for this? To answer these questions, it is necessary to theorise the relationship between official and personal narratives. This is the task of the following chapter.

⁶⁸ McLaren, 1995, p. 98.

⁶⁹ McLaren, 1995, p. 98.

⁷⁰ Pile and Thrift, 1995, p. 19.

⁷¹ McLaren, 1995, p. 98.

Chapter Two

"We Live Our Lives by Telling and Listening to Stories"

The writer can only imitate a gesture that is always anterior, never original. His [sic] only power is to mix writings, to counter the ones with the others, in such a way as never to rest on any one of them.¹

This chapter reinforces for the reader the importance of narrative in the formation of identity, subjectivity, and relationships between people and institutions and, the inter-relationship between grand and personal narratives in this process. I am concerned with written narratives or grand narratives and with local, personal and oral narratives about who we are and what we do. In part, I take Madan Sarup's question in *Identity, Culture and the Postmodern World* ("Does identity exist independently of the narratives which speak it?"²) as a catalyst for a discussion of narrative that insists that "stories structure the meanings by which a culture lives."³ I further suggest that failing to appreciate the importance of narrative robs us of a powerful mechanism for understanding and negotiating relationships with others. My interest in personal stories is augmented by postcolonial theory; itself concerned to challenge the validity of grand narratives, particularly of imperialism and colonialism, by providing a theoretical and political platform from which to challenge colonial structures and practices through the telling of and listening to personal narratives.

Narrative is fundamental to society and everyday life so that, "the self is always the artefact of prior received and newly constructed narratives."⁴ It is woven into the very fabric of life and is, I suggest, constituent of that fabric. Michael Butor writes of narrative that it is:

¹ Roland Barthes in Krim Benterrak, Stephen Muecke, Paddy Roe, *Reading the Country*, Fremantle: Fremantle Arts Press, 1984p. 19

² Madan Sarup, *Identity, Culture and the Postmodern World*, Edinburgh: Edinburgh University Press, 1996, p. 24.

³ Steven Cohan and Linda Shires, *Telling Stories: A Theoretical Analysis of Narrative Fiction*, London: Routledge, 1988, p. 1.

⁴ Feldman, 1991, p. 91.

a phenomenon which extends considerably beyond the scope of literature; it is one of the essential constituents of our understanding of reality. From the time we begin to understand language until our death, we are perpetually surrounded by narratives, first of all in our family, then at school, then through an encounter with people and reading.⁵

It could be suggested that people are born into an historical process in which official, personal and cultural narratives compete and inter-relate in the production of subjectivities. The state's recording of birth details – name, date, place of birth – is part of a mechanism for identifying individuals within grand narratives, it contributes to an official identity. So too legislation that governs where people live and how they behave is further productive of identity. Relationships between the private and the public, the personal and the official are mediated through the narratives people tell. The point can thus be made that “narratives serve to provide an economy of movement to the way we survey our surrounds and the way we structure disparate images and readings of the world into a coherent story.”⁶ For instance, the ‘child explorer of mangrove swamps’ from Chapter One, through the accumulation of experiences and narratives about place and people, transformed Derby from a “mere tracing, a diagram, an abstract mark”, to a map in the sense that Deleuze and Guattari posit, “an experience in contact with the real.”⁷

Often a tracing or an abstract mark is the result of a disjunction between official and personal narratives. It occurs when they do not connect in meaningful ways. Because official and personal narratives operate and are valued in quite different ways, an understanding of their differences and inter-relatedness are important for facilitating mapping rather than tracing. Official, or public, and personal narratives can be understood in Emile Benveniste's terms as ‘histoire’ and ‘discours’, “two different planes of utterance.”⁸ Ann Banfield translates these terms, in *Unspeakable Sentences*, as “narration Vs discourse.”⁹ Discours refers specifically to “the linguistic context of communication. It can be heard, requires a speaker and a listener, and “the desire of one to influence the other.”¹⁰ Histoire is the “content or materiality of

⁵ Horst Ruthrof, *Semantics and the Body: Meaning from Frege to the Postmodern*, Toronto: University of Toronto Press, 1997, p. 34.

⁶ McLaren, 1995, p. 92.

⁷ Deleuze Gilles and Felix Guattari, *A Thousand Plateaus: Capitalism and Schizophrenia*, (trans) Brian Massumi, Minneapolis: University of Minnesota Press, 1987, p. 12.

⁸ Emile Benveniste “Problems in General Linguistics”, in Cohan and Shires, 1988, pp. 92-3.

⁹ Banfield, 1982, p. 142.

¹⁰ Cohan and Shires, 1988, p. 93.

events”¹¹ that make up the story. For Ann Banfield *histoire* “is negatively characterised by the absolute exclusion of a speaker (first person) and an addressee/hearer (second person).”¹² It is this apparent exclusion that official discourses, such as history, education and law, rely on to appear seemingly ‘given’ or unmediated. But perhaps it is more appropriate to understand the speaker as ‘removed or distant’ than excluded. The materiality of a text is dependent, after all on its utterer. The result is that such official discourses are considered factual, objective and impersonal and often repressive or prohibitive. The following quotation from Proust’s *Remembrance of Things Past* captures this sense of the repressive or prohibitive:

I noticed ... that whenever he spoke of serious matters, whenever he used an expression which seemed to imply a definite opinion upon some important subject, he would take care to isolate, to sterilise it by using a special intonation, mechanical and ironic, as though he had put the phrase or word between inverted commas, and was anxious to disclaim any personal responsibility for it.¹³

On the other hand, personal narratives are characterised by the immediacy of what is said and how. They are invested with emotion and uncertainty. Within Western cultures these narratives are not traditionally accorded the same status as official narratives, which is itself a function of the public or official. In part this is due to the fact that “we use different kinds of narratives to tell different kinds of stories ... we also sanction certain narratives and discount others for ideological and political reasons.”¹⁴ What must not be lost, is the fact that official and personal narratives are “intertwined and interdependent, and above all overlapping streams of historical experience.”¹⁵ It is imperative that official and personal narratives are not set up as opposites, either good or bad; the issue here is facilitating their productive inter-relationships to advance postcolonial or anticolonial practices.

There are “rules of discursive formation”¹⁶ for narratives that determine what can be said and consequently what is said, is engaged with. As Sarap asserts, in his discussion of narrative and identity, these rules include “the place where the narrative

¹¹ Cohan and Shires, 1988, p. 93.

¹² Ann Banfield, *Unspeakable Sentences: Narration and Representation in the Language of Fiction*, London: Routledge & Kegan Paul, 1982, p. 142.

¹³ Marcel Proust, *Remembrance of Things Past* (trans) C.K. Scott Moncrieff, New York: Random House, vol. 1, 1934, p. 74.

¹⁴ McLaren, 1995, p. 89.

¹⁵ Sarap, 1996, p. 169.

¹⁶ Michel Foucault, *The Archaeology of Knowledge*, London: Tavistock, 1972, p. 31.

is spoken [and] the medium used”¹⁷ is also vital. In making this point he draws on Foucault’s work and writes:

In any society, the production of discourse is at once controlled, selected, organised and redistributed. According to Foucault, there are a number of ‘procedures of exclusion’ operating, the most obvious being prohibition. We know very well that we are not free to say anything, that we cannot speak of anything where and when we like, and that just anyone, in short, cannot speak of just anything.”¹⁸

As is demonstrated in Chapter Six, there are rules applied to seminars, rules that govern who speaks, when, how, and what it is appropriate to say. Among other things the rules provide a certain ‘security’. When the rules are breached, for example if for instance a woman speaks emotionally about her experiences of domestic violence in a way that causes seminar participants to be uncomfortable or personally confronted, what she says may well be discounted. This occurs because she has transgressed the bounds between the personal and the official that are consistent with an academic seminar. The rules of the seminar are invested with the necessary authority to facilitate this. The seminar participants actualise or bring into play the rules and thereby sanction particular types of narrative.

The narratives recounted in the previous chapter demonstrate that no clear demarcation can be drawn between grand and personal narratives. The lessons we learn in Social Studies at school are part of the foundation from which we develop our knowledges and attitudes. That we are often unconscious of this is particularly so because narratives are intrinsic to “the practice of everyday life”¹⁹ and consequently become ‘naturalised’ and ‘taken-for-granted’. For instance, we do not always reflect upon where our attitudes to a situation or group of people have come from. Further, because grand narratives appear to be without agency they are often characterised as homogeneous, unchallengeable, unchangeable and therefore solely repressive. But this is not the only way to regard them.

By “making strange” the grand narratives of law, history and education for instance they cease to be seamless, their “narrativity”²⁰ is thereby revealed and they

¹⁷ Sarap, 1996, p. 18.

¹⁸ Sarap, 1996, p. 18.

¹⁹ This phrase is the title of Michel de Certeau’s work, *The Practice of Everyday Life*, London: University of California Press, 1988.

²⁰ De Certeau, 1988, p. 78.

are recognisable as accounts of what is and does happen. That ‘men’ make them is also highlighted. What is made apparent is that official narratives are not devoid of agency either historically or in their contemporary re-iterations. They are purposeful, constructed and interpreted and may consequently be challenged and re-interpreted. This does not undermine the ‘Truth’ value or the power of official narratives to determine peoples’ lives. They still function as ‘Truth’, but perhaps as only one of a set of truths.²¹

One effect of “making strange” and exposing the “rules of discursive formation” of official narratives, demonstrates that they, as with all narrative, are mediated, politically motivated and are not agentless. This renders them tractable for inter-relating to personal narratives because they then have parameters commensurate with those of personal narratives. The rules that govern the relationship between speaker/narrator and listener/reader, including protocols about who speaks, when and in what tone, which are themselves functions of the rules of formation, are thus exposed. When it is this relationship, between the rules and what can be said that is in question, then the content of history, law, and other discourses can be a secondary concern to ‘*who* is telling the story to *whom*’ for the purposes of directing change by empowering people to intervene. It is not that ‘*what* is recounted is dismissed’ rather, in this process there is an emphasis on the ‘who, why and how’ of telling. When who is speaking is of concern then “the significance of the story is determined less by its actual content than by the point of its being told, that is, the relationships mediated by the act of narration.”²² The importance of this for negotiating productive relationships between people who might not usually form these connections is illustrated in Chapter Six through a discussion of a cross cultural awareness seminar for Western Australian magistrates.

That what can be said in a place is determined by the “rules of discursive formation”, is generally accepted. But, that a person’s response to an official narrative is frequently already “coded” in the discourse of the narrative²³ is perhaps less obvious. However, my experience of taking a group of students to the “Patterns of Life. The

²¹ Feminist interventions into patriarchal discourses are an important example of this.

²² Chambers, 1984, pp. 3-4.

²³ In Ruthrof, 1997, p.14, he writes:

The difference lies in the way in which the stipulated reader’s response is coded in each case. In the scientific piece we are presented primarily with definitions and linking propositions which invite proper response and undermine concretisations.

Story of the Aboriginal people of Western Australia” exhibit at the Perth museum, theorised in Chapter Four, demonstrates that this is so. The students initially read the exhibit, a display of traditional artefacts, body markings and photographs, as one might a scientific report, that is, as if it had an intrinsic authority that was beyond question. This occurred, I believe, because anthropological, ‘museumised’ text presented to them encouraged a propositional reading. However, in later discussions, away from the museum, the students modified their readings of the “Patterns of Life” exhibit according to their lived experiences.

The official museum narrative prompted critiques and discussion that enabled the students to challenge the official representations and rethink their own understanding of the knowledges presented. The message is clear: “while some grand narratives serve absolutist and authoritarian roles this should not suggest that all historical narratives are [always] of destructive import.”²⁴ Rather, while they can be destructive, the same narratives can be “politically enabling of social transformation”.²⁵ It is therefore important not to merely foster negative attitudes to grand narratives. And, to remember, from Foucault, particularly in his work on power and knowledge, that official narratives are never only repressive, they also productive. What is important is the processes for reading the grand narratives and whether these can be mediated to produce responses, other than stereotypical responses, for example by a juxtaposition of appropriate personal narrative with the grand narrative.

Many critiques of official narratives, the ways they are represented and the effects of them, have come from within postmodernism. In some instances, they have taken the form of challenges to identity, particularly those that are officially validated. We are left asking, is the subject the agent of her or his own being? Peter McLaren engages with this question in other forms in *Critical Pedagogy and Predatory Culture*. In the introduction to his text he takes two questions from (“Complex, ontology and our stake in the theatre”), an article written by David Holt,²⁶ “Does meaning generate life or does life generate meaning?” McLaren’s interest in these questions derives from his own concern with being “both the subject and object of meaning”²⁷ a dilemma

²⁴ McLaren, 1995, p. 93.

²⁵ McLaren, 1995, p. 89.

²⁶ David Holt “Complex, ontology and our stake in the theatre”, in *Texts of Identity*, J. Shotter and K. Gergen (eds), London: Sage, 1989, cited in McLaren, London: Routledge, 1995, p. 15.

²⁷ McLaren, 1995, p. 15.

he locates in postmodernity or more precisely “within the tension”²⁸ between modernism and postmodernism. He writes as explanation to these questions that:

[t]he first question is posed within the discourse of modernity in which it is assumed that our lives should be lived out as an explanation of a meaning prior to life, a transcendental meaning that is codified in a conception of metaphysical truth. The second reflects the advent of postmodernity and the shattering of the notion of “truth” based on metaphysical assumptions. To live life as if it generated meaning is to live within the contingency and uncertainty of the present in which ethics, tradition and agency are revealed to be social constructions or cultural fictions.²⁹

Holt’s questions and McLaren’s explanation highlight a significant and welcomed shift in the status of official narratives in Western societies. They re-echo what Lyotard identifies as a “crisis in legitimacy”, exemplified for him by Auschwitz and which is manifested in a distrust of grand narratives that he identifies as having “the goal of legitimating social and political institutions and practices, laws, ethics, ways of thinking.”³⁰ In many ways, throughout this thesis I take up the question posed by Lyotard after Auschwitz, “How could the grand narratives of legitimation still have credibility in these circumstances?”³¹ but ask it of anthropology, as it functions in the Perth Museum, Western Australian State legislation, and in the Western legal system.

Postmodern narratives, including postcolonialism and many areas of feminist theory, are responses to this “crisis in legitimacy”, they challenge official assumptions about truth, justice and equality. As such they represent a ‘calling into being’ or interpellation of other stories, other ways of knowing and personal critiques. The meta-narratives of postcolonialism and feminism, are instrumental in providing a forum for the articulation of local and personal experiences. Under the influence of such developments grand narratives such as law and anthropology are also engaging with local stories. This engagement can be understood in several ways. Institutions such as law, education and anthropology that have traditionally determined notions of truth, justice and equality are not immune to critique. Importantly, neither are they agentless, that is, people operate within them, though the power of these institutions

²⁸ McLaren, 1995, p. 15.

²⁹ McLaren, 1995, p. 15.

³⁰ Jean-Francois Lyotard, *The Postmodern Explained to Children*, Sydney: Power Press, 1986, p. 29.

³¹ Lyotard, 1986, p. 31.

often suggests otherwise, and these people may themselves be involved in postcolonial, feminist and other critiques.³²

It is also the case that modernist institutions and grand narratives can co-opt and dis-empower the very critiques set against them through the incorporation of emancipatory rhetoric and fields of knowledge into their own discourse. In Chapter Six a discussion of the Western legal system as it operates in Australia and the *Royal Commission into Aboriginal Deaths in Custody* demonstrates this point. The lesson to be learned here is articulated by McLaren. In his discussion of critical pedagogy as a tangible strategy for empowerment, he asserts that “without regard to the transformation of those social structures which shape the very lineaments of the self”, that is, the grand narratives of law, education, religion and others, it “is not empowerment at all but a *naïf* sojourn into a version of humanistic therapy where catharsis is mistaken for liberation.”³³ The warning here is clear. The value of emancipatory narratives such as that provided by the *Royal Commission*, postcolonialism and other personal narratives are limited if all they do is expose the injustices and racism of colonialism without providing alternative practices. For McLaren, ensuring these alternatives involves “establish[ing] new moral and political frontiers of emancipatory and collective struggle, where both subjugated narratives and new narratives can be written and voiced in the arena of democracy.”³⁴ Thus it is necessary not only to have a meaningful juxtaposition of grand and personal narratives, but also for this to be embedded in a reformed meta-narrative which ensures that each type of contribution is valued. A new “becoming” of the rules of the narrative game.

2.1 Deterritorialising the official

Postmodernism has challenged the validity of grand narratives and undermining their claims to objectivity by foregrounding the human agency that is so often denied. This challenge is clearly articulated by Godzich in the introduction to *Story and Situation*, a text that discusses the importance of context and the reason for telling stories. He writes:

³² That this change is usually slow and conservative is discussed in detail in the following chapters where specific examples of challenges to grand narratives are discussed.

³³ McLaren, 1995, p. 83.

³⁴ McLaren, 1995, p. 83.

... once upon a time it was claimed ... that “men made history,” that human beings were the subject of history. Now, with the equation of history and narrative, that claim becomes the derisory one that “men make stories,” that human beings are the subjects of stories. ... We do tell stories. It also shifts the focus away from *what* stories are about, from what they recount, to *who* is telling the story to *whom* ... stories relate speakers and listeners in an act of communication they constitute. The question of *what* is recounted will not, however, be so easily dismissed. Even when the focus is shifted onto the communicative act, it persists, but under a new guise: by virtue of what does the speaker, the storyteller, spin the tale?³⁵

In *The Archaeology of Knowledge* Foucault directs a similar challenge at the grand, or in his terms “totalising”, narratives of Western history. For Foucault, it is the grand recit or “the ‘face’ of a period”³⁶ that:

... seek[s] to reconstitute the overall form of a civilisation, the principle – material or spiritual – of a society, the significance common to all the phenomena of a period, the law that accounts for their cohesion³⁷

and in doing so ignores the microscopic knowledges and experiences of the same period. It ‘forgets’ the experiences of minorities. Yet, as McLaren asserts, all the while there is a relationship or an “exchange between History and its subjects.”³⁸ To make obvious this exchange and to distinguish between the microscopic and the macroscopic scales upon which histories are written Foucault draws on the work of Canguilhem and the history of science. This distinction is foregrounded as part of a strategy for exposing the discontinuities, ruptures and transformations that are concealed beneath the apparent seamlessness of the grand recits. So, for instance, he writes of the history of science that:

... a discovery, the development of a method, the achievements, and the failures, of a particular scientist, do not have the same incidence, and cannot be described in the same way at both levels; on each of the two levels, a different history is being written.³⁹

The consequence of engaging with both the micro and macro levels of history or of knowledges is that “the possibility of a total history begin[s] to disappear”.⁴⁰ I

³⁵ Wlad Godzich in the Foreword to Ross Chambers, 1984, p. xv, raises many issues that are central to my thesis and specifically to this chapter.

³⁶ Foucault, 1972, p. 9.

³⁷ Foucault, 1972, p. 9.

³⁸ McLaren, 1995, p. 90.

³⁹ Foucault, 1972, pp. 4-5.

⁴⁰ Foucault, 1972, p. 9.

demonstrate this later by analysing ways in which official (macro) and personal (micro) narratives intersect through a discussion of Western Australian legislation that determined the lives of Aboriginal people from 1848 to the present. Bringing together these two accounts of the same historical period and legislation illustrates very clearly that on “each of the two levels a different history is being written” or told and that identity and subjectivity are a function of history. This is a process that McLaren identifies as “critical narratology, reading personal narrative (our own and those of our students) against society’s treasured stock of imperial or magisterial narratives.”⁴¹

Life stories and personal accounts of experience make clear that grand narratives – history, law, education – are not dissociated from personal narratives, rather they have substantive effects on people’s lives. When these narratives are told and heard their role in the formation of identities can be appreciated. In Western Australia, for instance, many non-Indigenous people accept that Aboriginal people have been ‘looked after’ by the state. Until the 1980s little information that contradicted this view was available to the general public. This limited understanding has changed somewhat with the publication of life stories, and the telling of personal experiences through the *Royal Commission into Aboriginal Deaths in Custody* and more recently the *Bringing Them Home* and *Telling Our Stories*,⁴² both reports on the lives of Aboriginal children taken from their families. The point that needs to be reiterated is that both Indigenous and non-Indigenous identities are formed through official narratives and can be re-formed through the interplay of these and personal narratives. That the results of this process were subsequently undermined and at least partially rejected by the State government demonstrates that the over-arching grand narrative is not yet reformed.

It is my contention that the importance of personal narratives in Western culture is consistently undervalued and they are therefore afforded quite different and unequal status to that of history. However, with postmodernism, official ‘memories’ of the past are being ruptured, made discontinuous, through life stories, autobiographies, biographies and oral accounts. Consequently, personal accounts of history and knowledge are being re-validated as a way of re-evaluating history.

⁴¹ McLaren, 1995, p. 91.

⁴² In Chapter Six it is suggested that these personal narratives are enfolded within the grand narratives of law and State government legislation. Once again there is no clear demarcation between the different types of narrative.

Further, postcolonialism insists that personal stories contribute to understandings of identity (and subjectivity), and to vital ethical issues. As is illustrated in Chapter Five, where the purpose of Western Australian government legislation is compared with experiences that demonstrate its affects, it is by understanding the ways official and personal narratives intersect that the affects of injustices and inequities on peoples' lives are realised.⁴³

Horst Ruthrof in *The Reader's Construction of Narrative*, provides a useful key to unlocking this inter-relationship. He suggests that we need to consider the ways in which readers receive information. Ruthrof makes the claim that "our knowledge of things is intimately linked with the way in which we are able to encounter and use them."⁴⁴ This is productive, for me, as a way of thinking about the reception of personal as opposed to official narratives in situations such as law courts or academic seminar where they are not usually sanctioned.

Official narratives have a 'particular social standing', which frequently results in them being accepted as truth, often without their validity being tested or authority challenged. However, if these official narratives are juxtaposed with personal narratives that provide quite a different account of the same 'facts' and, in a non-routine context, they may be received differently. This is borne out by the experience of a Western Australian magistrate who was profoundly affected by the personal account of institutionalisation and social deprivation that he heard at the "Aboriginal Culture: Law and Change" seminar in December 1994. Although he had heard this same information many times before, on this occasion the venue was different, he was not in a courtroom, and therefore the rules governing his listening had altered. Within this context, the magistrate appreciated that this account of institutionalisation was both deeply personal and common to many Indigenous Australians. In that moment,

⁴³ Commissioner Elliott Johnson shares this opinion. In his report on the *Royal Commission into Aboriginal Deaths in Custody* he includes a chapter on the continuing adverse affects of past government policies on the lives of Aboriginal people. And insists that all members of the judiciary should take the opportunity to listen to what Aboriginal people had to say about those past experiences. This is so because who is speaking, where and when determine how information is received.

⁴⁴ Horst Ruthrof, *The Reader's Construction of Narrative*, London: Routledge and Kegan Paul, 1981, p. 1.

he appreciated the interplay between past government legislation on the lives of many individual people.⁴⁵

This magistrate's experience can be explained through what Hugh Webb suggests is the creation of a world-view that "blends the private and public experience".⁴⁶ He explains what he means through a discussion of Wole Soyinka's account of the brutal treatment he received as a prisoner at the hands of the Nigerian government. Soyinka's description of this experience avoids the suggestion that the treatment was a response by the government to him. According to Webb, had Soyinka suggested that this was "a strictly personal experience"⁴⁷ he would have constructed himself as a martyr and the point that "the experience is not an isolated example of official violence but rather a 'regime of violence'",⁴⁸ would have been lost. The power of the personal story comes partially from the storyteller's ability to bridge the divide between private and public, thereby situating "the self as a product of history"⁴⁹ and ensuring its political efficacy.

A similar critique of *When the Pelican Laughed*, the life story of Alice Nannup, can be made. While this book is largely an account of Nannup's own life, the project is much broader. She too uses her personal experience strategically, to engage the reader in a critique of the ways Aboriginal people have been treated in Western Australia because of racism and racist, paternalistic legislation. Accounts of being taken from her mother and later fighting to protect her own children cause the reader to empathise with Nannup, and by extension other Aboriginal people, rather than simply align her/himself with the legislation.

2.2 Becoming personal

The term 'autobiography' is most commonly used to refer to the written account of a person's life. In this section of the chapter I discuss autobiography and extend the general use of the term to include the oral accounts of peoples' lives. To do this I

⁴⁵ A discussion of this incident is found in Chapter Six.

⁴⁶ Webb, 1978, p. 16.

⁴⁷ Webb, 1978, p. 16.

⁴⁸ Webb, 1978, p. 16.

⁴⁹ Sarap, 1996, p. 19.

begin with a definition provided by James Goodwin in *Autobiography The Self Made Text* where he explains that:

... understanding the genre is to consider the components of the combinative word auto / bio/graphy. The combining stem auto means self, self-acting, or self-caused. Bio derives from the root meaning in Greek: “mode of living” or, simply, “life”. Graphy is another combining form; in English this is derived from Greek, with the root meaning “to write.” By definition then, autobiography brings into direct association self, life, and writing, with each component in dynamic, reflexive relationship to the other two. This root definition does not require that personal history provide the shaping form for the interrelationship between self, life and writing, though one long tradition within the genre is historical in function.⁵⁰

“Autobiography [thus] brings into direct association self, life, and writing”, so there is “a moving, changing relationship between the author as narrating self and the author as experiencing self. For, of course, the autobiographer is both at once narrator and narrative subject.”⁵¹ It is at this point that I want to broaden the definition to include speaking. It is, after all, through speaking that self and life most often ‘articulate’. Autobiography in this case is obviously not a written text but the store of personal narratives that make up a person’s life. It is this repertoire of personal narratives I argue that are relied upon to make meaning while not necessarily acknowledged as such, nor as a political strategy. It is not unusual, for instance, to have several stories about oneself that are told and retold at family gathering or reunions. Photographs are often produced as evidence of the events recounted. The stories and photos are part of the way we represent ourselves and re-invent who we are. They are also tangible links between family members and friends, just as they are often links with broader social contexts. It is through the telling of and listening to stories that people relate to individuals, groups and in the public domain. As Peter McLaren explains, narratives form “a cultural contract between individuals, groups and our social universe.”⁵² Of course it is commonly understood that our personal experiences intersect with the experiences of others, we are always inter-relating. New experiences not only add to the repertoire of our own experiences, they change how the past is understood, how it is narrated. Likewise, they determine how future experiences, including relationships, will be

⁵⁰ James Goodwin, *Autobiography The Self Made Text*, New York: Macmillian Publishing, 1993, p. 3.

⁵¹ Webb, 1978, p. 12.

⁵² McLaren, 1995, p. 89.

determined. A “new metaphor of self (and, implicitly a new socio-political stance)”⁵³ is thus always in the process of becoming.

By extending the boundaries in this way it is possible to appreciate that story is about recounting an event or sequence of events to someone else as a means of relating to each other not merely to tell our story. So:

[t]he storyteller takes what he tells from experience – his own and that reported by others. And he in turn makes it the experience of those who are listening to his tale.⁵⁴

The story is always told for the self as well as the other. It is a thread within the fabrication of one’s own life and thus the ‘placing’ of oneself within a broader social context.⁵⁵ As McLaren writes “personal identity is linked to the coherence of one’s life story.”⁵⁶ To take on the “burden of being the storyteller of one’s own life is not only to give life coherence, it is to preserve one’s identity.”⁵⁷

Autobiography is “a weave in which self-consciousness is delicately threaded throughout interrelated experience.”⁵⁸ The threads of the autobiographer’s experience are taken up and used in various ways, like a tapestry. However, while the weaver may have a plan of the finished piece the texture of the threads; whether they break and need to be knotted; whether the dye lot has altered all; are in some senses beyond the weaver’s control and so the work has its own impetus and its own integrity. It becomes in this sense a work other than the one the weaver designed. Often it is “a retrospective account of a man’s [sic] whole life (or a significant part of a life) written as avowed truth and for a specific purpose by a man who lived the life.”⁵⁹

⁵³ Webb, 1978, p.13.

⁵⁴Walter Benjamin, “The Storyteller” in *Illuminations* (trans) Harry Zohn, London: Fontana, (1931) 1973.

⁵⁵ This is particularly important for the discussions of Alice Nannup and Robin Eades’ accounts of their lives in Chapters Five and Six.

⁵⁶ Julie Dowling, Yamajti artist, asserts the importance of coherence in a person’s life by ‘painting in’ the faces of family who are absent from photos because they had been taken away. For Dowling, this “painting in” is a recognition of the need for evidence of ones belonging. The “missing person” needs to be able to say “these are my people, this is where I belong”. Personal conversation.

⁵⁷ McLaren, 1995, p. 93.

⁵⁸ Karl Weintraub, “Autobiography and Historical Consciousness” in *Critical Inquiry*, June 1975, Vol. 1 No. 4, pp. 821-48, cited in Webb, 1978.

⁵⁹ B.J. Mandel, “The Autobiographer’s Art” in *Journal of Aesthetics and Art Criticism*, xxvii, 1968, p. 217, cited in Webb, 1978.

Significantly it is an ordered telling of the events, or more correctly a selection of the events of a person's life. But:

[i]t is not simply the narration of the voyage but also the voyage itself. There must be in it a sense of discovery ... the voyage itself in autobiography is a remembering activity. More than any other narrative genre, autobiography testifies to remembering's role in the construction of a narrative identity. What is more it reveals conclusively that such remembering cannot be limited to a mechanical reproduction but must be understood as a creative process in which what is created is precisely the autobiographer's identity.⁶⁰

The role of remembering is of course multiple. For "even as the autobiographer fixes limits in the past, a new experiment in living, a new experiment in consciousness ... and a new projection or metaphor of a new self is underway."⁶¹ Here Olney makes the point that while remembering functions as an agent for the construction of identities fixed in the past, its real importance and particularly I add, when it takes the form of everyday verbal stories of self, is as an impetus for future projections, trajectories or "lines of flight". For instance, as a child playing in mangrove swamps in Derby I could not imagine how that might relate later to learning about 'Aboriginal' people in Social Studies lessons. Years later this memory augmented relationships with people in Roebourne. They were a becoming Roebourne.

What events are selected, to be told or are highlighted as significant, depends on the purpose of the narration. There are events that are repeated, often in different ways. Significantly there are also exclusions. Why are certain stories withheld? What story do we want to tell? What effect do we want to elicit? These questions are catalysts to produce a variety of narratives. They may be productively thought of as rhizomatic nodes, the "point from which segmentary lines explode into a line of flight".⁶² That they are catalysts re-inforces the idea of identity as constructed. That they are rhizomatic reinforces identity as multiplicitous.

Clearly, autobiography is mediated truth or fiction but a discourse generally held to have a stronger, more direct connection with events, the human experience and the record of a life. The autobiography combines the functions of both the literary and historical text and is therefore generically hybrid. It is this hybridity that ensures the

⁶⁰ B. Deconconi, *Remembering a Hermeneutic Narrative Time*, U.S.A.: University Microfilms, 1980.

⁶¹ James Olney, cited in Hugh Webb, 1978, pp. 12-13.

⁶² Deleuze and Guattari, 1987, p. 9.

power of autobiography as a representation of one's life rather than the 'mere telling of stories about self and others'. It embodies within it an acceptable and readily absorbed form of integration of grand and personal narratives – the figure in the field of history. As I have written elsewhere, "distinctions between historical and literary texts are generally made on the premise that history is factual, therefore authoritative, while literature is fictional, therefore entertainment."⁶³ Autobiography explains the emotional elements of experience including love, suffering, displacement, and the search for meaning and identity. And, ironically the 'truth value' of autobiography is increased by this appeal to very powerful emotions.

The reader of autobiography, like the listener and the critic may well have ambiguous responses to the text. After all:

... [a]re we to ignore the generic constrictions of event and character, the rhetoric of the fiction, in favour of interpretation of the text as straight history? And if we question the motives of this or that character will our comments be taken as criticisms of real people? This is still more difficult to deal with when juxtaposed with a certain amount of personal courage in the narrator's effort to express the unsayable, to tell the risky story of oppression.⁶⁴

Muecke is correct in highlighting the difficulty a reader might have when dealing with autobiography. This is multiplied when it is the autobiography of a woman, such as Alice Nannup, from a minority group who has had little opportunity to speak within a public arena.

The informed reader of autobiography, however, realises those details such as the clothes people were wearing, or in what activities they were engaged on a given day is not always the unmediated memory of the author. That these details may be inaccurate or constructed does not cause the work to be regarded as a work of fiction. Rather the metaphors, images and dialogue presented to the reader are used to ensure that the story reflects a reality. As the narrator reveals the events of his or her life, the reader can accept that these events and conversations have been reconstructed so that the 'truth' may be conveyed in a plausible way. Thus, reconstruction or construction of images and dialogues in isolated passages within an autobiography can be accepted

⁶³Kathryn Trees, *Counter-Memories: History and Identity in Aboriginal Literature*, Murdoch: Murdoch University Honours Thesis, 1990, p. 8.

⁶⁴ Stephen Meucke, "Aboriginal Literature and the Repressive Hypothesis" in *Southerly*, Vol. 48, No. 4, 1988.

as ‘truths’ even though they are fictional. This acceptance ensures that the author is not constantly challenged, while readers feel that they have been privileged with the ‘truth’ about a person. A willing suspension of disbelief.

While it is generally the case that autobiography is about the self or mapping one’s own identity, the boundaries of the genre have been extended, particularly in the case of Indigenous peoples’ life-stories, to include a greater emphasis on the relationship of self to the broader social context. Kateryna Longley in “Aboriginal Biographies” explains that the genre of autobiography has been adapted for the writing of Aboriginal life-stories. She points to two recurring features that set Aboriginal autobiography apart from western autobiography:

one is the sense of communal life that is evoked through the individual story and the other is the intimate relationship with tribal land.⁶⁵

From the reading of Alice Nannup’s life-story, *When the Pelican Laughed*, offered in Chapter Five, that the individual is of secondary importance to the wider Indigenous community is apparent. Nannup situates herself in relation to the 1905 Aborigines Act of Western Australia, that is, within History, and in doing so demonstrates that her experience is, while unique, common to thousands of Indigenous people within the State. As such it is “a self-conscious construction of a narrative at different levels, a narrative that deals with change, both personal and social, psychoanalytical and historical.”⁶⁶

In Aboriginal life-stories the confluence of place, time and the inter-relationship with others in the formation of identity is clearly marked. All definitions of self for Indigenous people include their relationship to country, the land belonging to their tribal group.⁶⁷ Nannup powerfully portrays this relationship to country when she describes her final trip back to Deep Reach, a large pool in Millstream National Park, part of her country and a sacred area for the Injibarndi people. Nannup writes:

This is the place where the old snake lives, and I’d always been told by my mother that we mustn’t go to a pool without making our peace. If you’ve

⁶⁵ Kateryna Longley. “Aboriginal Story Telling by Aboriginal Women” in *De/Colonising the Subject: Politics and Gender in Women’s Autobiographical Practise*, Minnesota: University of Minnesota Press, 1992, p.370.

⁶⁶ Sarap, 1996, p. 19.

⁶⁷ Although there are Indigenous people who do not use terms such as ‘tribal’ because of negative associations with primitivism, I use the term because the Ngulama, Injibarndi and Bunjima people use it. For further discussion of this and other terms used to define Indigenous people see Fesl, 1993.

been away you can't just go back there and walk around or do what you like, that's the law.

When we got to the edge of the pool Noel went down and got some water, put his hands into mine, and I took it. I put the water into my mouth and blew hard towards the sun. As I blew this big rainbow came, and I said, 'Yinda ngurra – I belong.'⁶⁸

This relationship to country is co-extensive with relationships to all people who share that country. Mappings of country. Mappings of people. The significance of inter-community relationships for the construction of identity is foregrounded in Indigenous communities by asking a personal question such as, "what are you like?" The response is often, "you would be better asking off asking nanna". Thus, for Aboriginal narrative, the personal and the grand elements are integrated through the shared elements of community and the grounding of 'country'.

⁶⁸ Alice Nannup, Lauren Marsh, Stephen Kinnane, *When the Pelican Laughed*, Fremantle: Fremantle Arts Centre Press, 1992, p. 223.

Chapter Three

A Postcolonial Story?

But with three authors one cannot imagine that the book is guided by any poetic unity or harmony. On the contrary, the poetry is of a different sort, one that responds to our times. It is a poetry of fragmentation, contradiction, unanswered questions, specificity, fluidity and change.¹

Here Stephen Muecke is writing about *Reading the Country*, a book that he co-authored with Krim Bentrak and Paddy Roe, which describes a journey into Roebuck Plains near Broome in Australia's far north-west. It seems to me that he could just as easily be writing about postcolonial theory. "Fragmentation, contradiction, unanswered questions, specificity, fluidity and change", a response to the times, are all productive descriptions of this problematic theoretical position; imbued as it is "with all the ambiguity and complexity of the many different cultural experiences it implicates".² By virtue of being about the specific or local within a global frame, postcolonial theory is necessarily multi-faceted, fragmented and contradictory. Explanations that apply to the historico-cultural conditions of one group of people will almost certainly have things in common with others but will also contradict them.

This work of Bentrak, Muecke and Roe's might be considered a 'model' postcolonial text, written as it is by three writers from quite disparate backgrounds - an Indigenous Australian elder and storyteller, a 'white' Australian academic and a Moroccan artist who together represent the complexity of relationships in a 'settler-invader'³ society such as Australia. The text is a rich tapestry of story, theory and art. Bentrak, Muecke and Roe each contribute their talents and knowledges ensuring that it is varied in colour, texture and weave. And the threads are interwoven so that there

¹ Bentrak, Muecke, Roe, *Reading the Country*, Fremantle: Fremantle Arts Centre Press, 1984, p. 11.

² Bill Ashcroft, Gareth Griffiths and Helen Tiffin (eds), *The Post-Colonial Studies Reader*, London: Routledge, 1995, p. 2.

³ The term 'settler-invader' is taken from Diana Brydon and Helen Tiffin's *Decolonising Fictions*, Sydney: Dangaroo Press, 1993, p.12. They use the term to define countries such as Australia to which the English language and culture were transported and internalised and were instrumental in "militating against developing an Indigenous identity".

is a seamless relationship between them and the country they represent. The text is introduced as “an exploration of the meaning of place, an attempt to chart the relationships between people and those specific places in which they must find a place to live. It is a journey through landscape into language and ideas, and personal and cultural location.”⁴

Muecke explains the central role of the Indigenous voice:

[t]hese are the words which most clearly and consistently tell of the country. They are set in the context of a babel of other voices – writings – from the past and present which clamour around and are, in contrast, quite ephemeral. Restricted to particular historical periods, they are other discourses on the country. There will be more to come, following in Paddy Roe’s footsteps, or ignoring them. But one ignores the local guide at one’s own peril, for he is telling us how to survive in this country, and survival depends not just on the right sort of physical treatment of the country, but also on what one says about it, writes about it, and the images one makes of it.⁵

The reader is counselled about the importance of listening to local people or guides (in this case Paddy Roe) if a non-Indigenous person is to find her or his way around and, indeed, even survive in unfamiliar country. However, the local voice, the one that can provide the necessary knowledge, easily ‘gets lost’ or is unable to be heard in the “babel of other voices”, in this case those of the ‘newcomers’. There is a timely lesson here. It is necessary to listen and to take advice from the locals. This lesson should be central to postcolonial theory with its unfortunate propensity for recolonisation or reterritorialisation, in Deleuze and Guattari’s terms, of the very ‘voices’ it is trying to hear and spaces it seeks to open.

The timely lesson. The need to listen to the local guide. Surviving in the country. Muecke’s caution is re-echoed by Stephen Slemon in his article, “The Scramble for Post-Colonialism”. Slemon warns that:

We need to remember that resistances to colonialist power always find material presence at the level of the local, and so the research and training we carry out in the field of post-colonialism, whatever else it does, must always find ways to address the local...⁶

⁴ Bentrak, *et al.*, 1984, Inside Front Cover.

⁵ Bentrak, *et al.*, 1984, p. 23.

⁶ Stephen Slemon, “The Scramble for Post-Colonialism”, in *De-Scribing Empire Post-Colonialism and Textuality* Chris Tiffin and Alan Lawson (eds), London: Routledge, 1994, p. 31.

This concern with the local is central to my engagement with postcolonial theory, because what I am interested in are relationships between people and institutions in Western Australia. I want to know, for instance, how Western Australian legislation, such as the 1905 Aborigines Act, affected the lives of Indigenous people and what the repercussions of that are now. And, I want to explore ways in which I, as a white academic within the field of postcolonial studies, can contribute to a process of political and social change that challenges continuing colonialist practices and values. Slemon also suggests that if we neglect to apply our research then “we risk turning the work of our field into the playful operations of an academic glass-bead game.”⁷ ‘Trinkets for the natives.’ Academic privilege to the theorists.

In the discussion that follows I situate postcolonial theory within a global context prior to interrogating its local application. My motivation for this is twofold. First, colonialism, what in part can be understood as “political, economic and discursive oppression”⁸ of much of the world’s people, is global in nature. While all forms of colonialism are oppressive, it is also the case that “the forms of colonialist power differ radically across cultural locations”⁹ and therefore elicit quite different responses. Hence the need to engage with postcolonial theory locally while understanding it globally. And, secondly, postcolonial theory has its own antecedents, one of these being postmodernism. Appreciating the relationship between the global and the local further ensures that colonial experiences are not understood as isolated occurrences or detached from broader philosophical movements.¹⁰

⁷ Slemon, 1994, p. 32.

⁸ Slemon, 1994, p. 31.

⁹ Slemon, 1994, p. 31.

¹⁰ Paolo Friere, in *The Pedagogy of the Oppressed*, Ringwood: Penguin, 1972, p. 111 discusses what he perceives to be a real danger in focalised views of oppressive situations that exclude understanding it within the broader context. He writes: “One of the characteristics of oppressive cultural action which is almost never perceived by the dedicated but naïve professionals who are involved is the emphasis on a focalised view of problems rather than seeing them as dimensions of a totality. In ‘community development’ projects the more a region or area is broken down into ‘local communities’, without the study of these communities both as totalities in themselves and as parts of another totality (the area, region and so forth) – which in its turn is still part of a larger totality (the nation, as part of the continental totality) – the more alienation is intensified. And, the more alienated people are, the easier it is to divide them and keep them divided. These focalised forms of action, by intensifying the focalised way of life of the oppressed ... hamper the oppressed from perceiving reality critically and keep them isolated from the problems of oppressed people in other areas.”

3.1 Interpolating the postcolonial

I begin my engagement with the postcolonial by posing several questions. Why was the postcolonial called into being? Moreover, who did the calling and why? And, of interest to me, is postcolonialism a useful strategy for challenging continuing colonial practices in Australia and therefore facilitating relationships between Indigenous and non-Indigenous people? Many responses to these questions might be offered, each one providing a quite different map of the postcolonial terrain. The quite markedly different responses to postcolonialism discussed later in this chapter reflect these potentially different maps.

In *The Postmodern Condition: A Report on Knowledge* Lyotard suggests that postcolonialism is a postmodern interpolation. The relationship that Lyotard suggests postmodernism and postcolonialism share is appreciable when postmodernism is understood as the result of a crisis in legitimacy and disillusionment with the grand narratives or Enlightenment ideals that underpin modernism. This disillusionment is exemplified for him by the horror of Auschwitz, for it is here that “legitimation becomes visible as a problem and as an object of study”¹¹ Lyotard’s horror of the gas chambers causes him to denounce the Enlightenment project insisting that the potential for freedom, equality and justice that it promised could no longer be believed in. Postmodernism is an expression of the scepticism that followed, a critique of the grand narratives, including law and history, but he warns that it does not involve a “radical break” with “culture”, “aesthetic” or “socioeconomic organisation”¹². Rather, Lyotard has “characterised postmodernism ... as a cyclical moment that returns before the emergence of ever new modernisms,”¹³ a continual tracing or many tracings. Becoming postmodern, becoming modern.

Recognising that we have not somehow left modernism behind and, more importantly, that “ever new modernisms” continually come into being, is vital to political action and social change. It is not yet time to be complacent. Williams and Chrisman are right to claim that while:

¹¹ Jean-Francois Lyotard, *The Postmodern Condition: A Report on Knowledge*, Minneapolis: University of Minnesota Press, 1988, p. viii.

¹² Lyotard, 1988. p. vii.

¹³ Lyotard, 1988, p. xvi.

... the issue of periodising remains relevant to ... postmodernism [because] the prefix suggests succession, temporal break, a new period (if not a new start); ... the idea of historical discontinuity has been challenged: postmodernism has been seen as the latest variant of modernism.¹⁴

Deleuze and Guattari to provide a way of understanding postmodernism as yet “the latest variant of modernism” though of course it may well mean many other things. I quote here from their conclusion to *A Thousand Plateaus*:

The function of deterritorialisation: D is the movement by which “one” leaves the territory. It is the operation of the line of flight. There are very different cases. D may be overlaid by a compensatory reterritorialisation obstructing the line of flight: D is then said to be negative. Anything can serve as a reterritorialisation, in other words “stand for” the lost territory; one can reterritorialise on a being, an object, a book, an apparatus or system ... For example, it is inaccurate to say that the State apparatus is territorial: it in fact performs a D, but one immediately overlaid by reterritorialisations on property, work and money ...¹⁵

Importantly, what is foregrounded here is the State’s ability to co-opt the processes of deterritorialisation and reterritorialisation, and by extension postmodernism. In other words, the State supports and employs the very critical strategies developed to undermine its power and autonomy. When postmodernism is considered in terms of deterritorialisation and reterritorialisation or within a Lyotardian frame (and when the “diversity of ways of understanding contemporaneity” that it offers are foregrounded) productive conjunctions are certainly to be found between this and postcolonialism.¹⁶

As postmodernism does not constitute “a radical break” with modernism, so too postcolonialism does not mark the end of colonialism. Rather it is always a response to, and therefore in relationship with, the colonial and by extension with

¹⁴ Patrick Williams and Laura Chrisman, (ed), *Colonial Discourse and Postcolonial Theory*, Hertfordshire: Harvester Wheatsheaf, 1993, p. 12.

¹⁵ Gilles Deleuze and Felix Guattari, *A Thousand Plateaus: Capitalism and Schizophrenia*, (trans) Brian Massumi, Minneapolis: Minnesota Press, 1987, p. 508.

¹⁶ While it is not my purpose here to debate the usefulness of postmodernism as a political strategy, or to defend it from charges of being apolitical, some caution is required. For further discussion of the relationship between postmodernism and postcolonialism see Diana Brydon, “The White Inuit Speaks: Contamination as Literary Strategy” in *The Post-Colonial Reader*, Bill Ashcroft, Gareth Griffith, Helen Tiffin (eds), London: Routledge, 1995. In this article on ‘contamination’, a term she uses to describe postmodern and postcolonial bringing together of differences in creative ways, she makes a poignant statement. Brydon writes: “If postmodernism is at least partially about ‘how the world dreams itself to be ‘American’ (Stuart Hall quoted in Ross 1988: xii), then post-colonialism is about waking from that dream, and learning to dream otherwise”.

modernism.¹⁷ Becoming postcolonial, becoming colonial. Postcolonialism, the demand for local histories, the stories of the once marginalised, is thus one postmodernist response to modernism's crisis of legitimacy. Some would argue that it too represents a desire for legitimacy or perhaps an 'absolution' for the horrors of colonialism, and in Australia, of prison cells.¹⁸

Postcolonialism can thus be understood as the theorisation and actualisation of that interpolation or calling. It is the becoming other of colonialism. This becoming maintains the trace of its predecessors so that, according to Williams and Chrisman, "neo-colonialism has been suggested as a more appropriate term for postcolonialism."¹⁹ This proposal corresponds to the views of a number of Australians, both Indigenous and non-Indigenous, as is exemplified through a discussion of the "Postcolonial Fictions" conference, later in this chapter.

In terms of certain 'sites' of contestation, I want to focus on some key areas in subsequent chapters. In Chapter Six I discuss the Western legal system, a modernist institution, and the "Aboriginal Culture: Law and Change" seminar for magistrates, which might be understood as a postcolonial critique of that institution. This discussion foregrounds the complex, inter-relationships between modernism, postmodernism, colonialism, and postcolonialism that I have argued for here. The Western legal system as it operates in Western Australia is a modernist institution that relies on laws and precedents handed down from Britain over centuries and have been instrumental to colonial practices. These laws, practices and the values they uphold are, at least in part, perpetuated by legal formalism, analogous to structuralism, which provides the frame in which law is taught and practiced. Can a critique from within this system effectively challenge it, or is it merely a 'negative reterritorialisation'?

Though it may certainly appear that the law is intractable, and certainly its modernist foundation principles have remained fixed, it is important to recognise that it can be dynamic and respond specifically to the context in which it is practiced. The

¹⁷ A useful discussion of this relationship between colonialism and postcolonialism is found in Suzanne Baker's PhD Thesis, *Clowning Seriously: The Political Force of Magic Realism in Postcolonial Fiction From Australia and Canada*, Murdoch: Murdoch, 1997. While Baker focuses primarily on the use of magic realism as a strategy for intervening in colonial texts, she also provides a useful discussion of postcolonialism as a "political and subversive force".

¹⁸ This reference to prison cells refers to the tragedy of the large and continuing number of Aboriginal deaths in custody in Australian prisons and police lock-ups. It is discussed in Chapter Six here.

¹⁹ Williams and Chrisman, 1993, p. 12.

“Aboriginal Culture: Law and Change” seminar is one example of this function. Sir Anthony Mason, Chief Justice of Australia in an address for the inauguration of the Faculty of Law at Wollongong University in New South Wales in February 1991, also makes this point. He said:

to treat the law as a discrete set of principles in a vacuum and without a context is to misconceive its dynamic and ubiquitous nature and, more importantly, to undervalue or even to overlook the manner in which it contributes to the fundamental fabric of modern society.²⁰

The law is integral to societal change in that judges, magistrates, lawyers and other legal representatives can take on board feminist, Indigenous²¹ and Human Rights issues in their ways of dealing with people who come before the court and in their sentencing options.²² My later discussion of the “Aboriginal Culture: Law and Change” seminar demonstrates the willingness of individual members of the judiciary and the legal system to engage with critiques of their own practice and, the system in which they operate, though it needs be said their willingness to change is not radical or immediate. However, this same discussion also reveals ways in which the State has undermined the potential for change by looking for solutions within the legal system. The State has thus co-opted the process, it has performed a deterritorialisation but one immediately overlaid by reterritorialisations.

Williams and Chrisman also express concern about the potential for change promised by postcolonialism and postmodernism. They rightly warn that this “apparent newness” in thinking masks “an underlying continuity” that is unpalatable to many²³. They draw on Walter Benjamin’s description of “commodity production as ‘the always new in the context of the ever the same’ where the need for the commodity to present itself as always new, different, desirable, masked the underlying, unchanging nature of capitalist relations of productions”²⁴ to make their point. They further suggest that “both post-modernism and postcolonialism are bound up with the workings of contemporary capitalism, the one as ‘its cultural logic’, in Jameson’s

²⁰ Stephen Bottomley, Neil Gunningham, Stephen Parker, *Law in Context*, Leichardt: Federation Press, 1991, p. 2.

²¹ The law and how it acts in modern, postmodern and postcolonial ways in relation to Indigenous peoples in Western Australia is discussed in Chapters Five and Six.

²² However, it can certainly be argued that there are too few practitioners in Australia who exercise the prerogative to be innovative so that most often modernist, legal formalist approaches to law are re-enacted.

²³ Williams and Chrisman, 1993, p. 12.

²⁴ Williams and Chrisman, 1993, p. 12.

phrase, and the other as a specific form of its global ambitions” and “their need to represent themselves as other than they are [thus] becomes readily comprehensible.”²⁵ Becoming postcolonial, becoming global, becoming colonial.

Despite the limits of postcolonialism, arising from its “underlying, unchanging [colonial] nature”, it is still a powerful and productive force for challenging colonial accounts of history. It demands the telling of, and listening to, personal stories and has thus facilitated the “revival of an essentially narrative view of ‘truth’.”²⁶ This has resulted in historians, anthropologists and judges being confronted with the need to explain human atrocities and sufferings, such as the gas chambers in World War II and Aboriginal deaths in custody in Australia, and to give assurances that they will not recur. Reports such as the *Royal Commission into Aboriginal Deaths in Custody* and *Taking Them Home* in Australia and the Truth and Reconciliation Commission in South Africa are part of this process and this reassurance.

Further, the critical practices that postcolonial theorists employ to interrogate colonial discourses are, like postmodern knowledges for Lyotard, “not simply ... tool[s] of the authorities; [they] refine our sensitivity to differences and reinforce *our* ability to tolerate the incommensurable.”²⁷ So that, while it would be naive to over-rate the power of local stories to effect change, in and of themselves, the “vitality of small narrative units at work everywhere *locally* in the present social system”²⁸ means that the stories and life experiences of colonised people are being told in the public sphere from their own point of view.²⁹ When narratives are told in the public sphere they attain legitimacy and can then be strategically employed not only to challenge official versions of events but also to be employed as a mechanism for demanding and effecting substantive social and political change. Indigenous peoples’ submissions to the *Royal Commission into Aboriginal Deaths in Custody* are a case in point. This is Slemon’s point: “postcolonialism ... must always find ways to address the local.”³⁰

²⁵ Williams and Chrisman, 1993, p. 12.

²⁶ Lyotard, 1988, p. xii.

²⁷ Lyotard, 1988, p. 25.

²⁸ Lyotard, 1988, p. xii.

²⁹ It is not possible to suggest that there is an equivalence between Indigenous and non-Indigenous people’s telling of their stories within the public domain. Non-Indigenous people have access to a greater variety of public forums and while it is not usual practice to discuss one’s own life within these spaces, a principal point of this thesis, the different power relationships and social status, still most often result in the objectification of Indigenous people.

³⁰ Slemon, 1994, p. 31.

3.2 Postcolonialism: becoming local, becoming personal

In the “General Introduction” to *The Post-Colonial Reader*, Ashcroft, Griffiths and Tiffin “address the local” by explaining that the purpose of the book is to determine how a “genuine post-colonial literary enterprise might proceed.”³¹ They do this by focusing on the literary which for them, has been “a critical site of political and cultural struggle”³² in the academy. It is also a means for them to foreground the role of teaching and the need to revise teaching practice in the field. This is in keeping with my own encounter with, and relationship to, postcolonial theory, in that I teach within this field and have always been very concerned with how what I teach in a “Postcolonial Writing”³³ course – identity politics, theories of race, literary criticism, ethics and responsibility – connects with everyday lived ‘realities’. Both within the course and in other aspects of my work the ‘realities’ that I focus on are the relationships between Indigenous and non-Indigenous people in Australia and more particularly in Western Australia. As has already been indicated, of specific interest to me and a central focus of this thesis, is the strategic use of narrative, both personal and official, in decolonising or anti-colonial processes within specific local sites.

In the following chapters, specific examples of the interrelationship between official narratives – anthropology, government legislation, the Western legal system – and the life experiences or life-stories of Aboriginal people are discussed. For instance, the discussion in Chapter Four will reveal ways in which the “Patterns of Life Exhibition” at the Perth Museum perpetuates primitivistic and colonialist representations of Indigenous people and the grand narrative of anthropology. Through a discussion of a group of Indigenous and non-Indigenous students’ responses to the exhibit and the museum guide’s introduction to it, I foreground the importance of personal experiences and knowledges – a postcolonial strategy – to deconstruct those representations. The Western legal system and local narratives including Customary law, the personal stories of young offenders, and women’s accounts of domestic violence will be discussed in the following chapter to demonstrate how these have been deployed to challenge official legal narratives. In this context, local and personal narratives are productively thought of as postcolonial skirmishes or “lines of

³¹ Ashcroft *et al.*, 1995, p. 4.

³² Ashcroft *et al.*, 1995, p. 4.

³³ “Postcolonial Writing” is a course taught in the English Programme at Murdoch University.

flight”. When mobilised they can undermine, unsettle, even effect some change in the way that official narratives are played out. Effectively the postmodern, postcolonial and critical writer, critic or teller of stories can assert some form of agency or political challenge. Personal narratives are deployed by individuals as a way of mediating relationships with others and with grand narratives. It is through this mediation, I suggest, that we cease to “tolerate the incommensurable”.

Although it is not always possible to work simultaneously in the field of literature and in overtly political and, or practical arenas, I argue that teaching in courses framed by the term ‘postcolonialism’ requires a commitment to bring these sometimes disparate entities together in meaningful ways. One means of facilitating this is by extending the parameters of literary courses to include relevant historical and political information that contextualises and expands upon the issues writers are concerned with. At the same time, providing readers with access to a range of knowledges and strategies for increasing their potential to engage with the text.

Several life-stories or personal narratives written by Indigenous people in Western Australia were published during the 1980s and are studied in Australian literature and postcolonial courses alike. These texts included Glenyse Ward’s *Wandering Girl* and *Unna You Fellas*, Sally Morgan’s *My Place* and *Wanamurraganya The Story of Jack McPhee*, Alice Nannup, Stephen Kinnane and Lauren Marsh’s *When the Pelican Laughed*, Nugi Garimara’s (Doris Pilkington) *Caprice – A Stockman’s Daughter* and others.³⁴ Each of these books provides significant information about the lives of Aboriginal people and their relationships with colonial practices and non-Aboriginal people in this State during the twentieth century.

Within the context of courses such as “Postcolonial Writing” there is the opportunity and, I suggest, the imperative to move beyond simply reading and teaching such life-stories as literary texts. This assertion is made in response to a question I posed to myself and one response to it: “Should teaching and studying texts written by Aboriginal people be different for Australians than a text written by a South American

³⁴ These texts were timely, published as they were in and around 1988, the year Australia celebrated its Bicentenary. Indigenous protest about the inappropriateness of the celebrations and a corresponding recognition of this by many in the wider community and international attention focused on Australia resulted in a desire to know about and incorporate Aboriginal people’s experiences. The desire ‘to know and to incorporate’ operated for many, including some official celebration organisers, as a means of ‘cashing in’ on Aboriginality.

writer for instance?” “Yes!” And not because of a naive belief that non-Indigenous Australians are necessarily able to more fully understand how Aboriginal people experience life in this country as opposed to Indigenous people elsewhere. I am mindful here of Trinh T. Min-ha’s point that “the injunction to [and the belief that one can] see things from the natives point of view speaks for a definite ideology of truth and authenticity”³⁵ and *not* one that I advocate. Rather, ‘yes’ is an acknowledgement that by virtue of being white in Australia one is implicated in a colonial or settler/invasor system that privileges non-Indigenous people³⁶ at the expense of Indigenous people³⁷ and that acknowledging this and interrogating this privilege is appropriate to the study of postcolonialism.

In Chapter Five I discuss Alice Nannup’s *When the Pelican Laughed* as an exemplary critical narrative within the broader context of Western Australian state legislation that regulated and controlled the lives of Aboriginal people from 1848 to the present. These two narratives, one official and the other personal, are brought together to demonstrate that reading this life-story with knowledge of the legislation that was instrumental in creating many of the experiences Nannup writes about may enrich the reader’s understanding. It makes clear that this is not ‘simply a story’, neither should it be read as one might read the life-story of a non-Indigenous person, for they are not equitable. Then, through a discussion of the Western legal system and the *Royal Commission into Aboriginal Deaths in Custody*, I seek to demonstrate that significant, positive changes occur in Aboriginal peoples’ lives and their relationships to non-Indigenous people and institutions when their experiences form the basis of a dialogue and a ‘will to change’. What I am suggesting is that it is necessary to teach politically as opposed to merely teaching politicised texts.³⁸ Hence, a nexus is formed between theory and praxis, one that transgresses the boundaries between postcolonial

³⁵ Trinh T. Min-ha, *When The Moon Waxes Red*, London: Routledge, 1991, p. 149.

³⁶ In the face of class and gender distinctions it can seem almost gratuitous in some instances to suggest that a white Australian person is automatically privileged in relation to an Aboriginal person. In thinking about this I am reminded of a conversation a friend and I had many years ago. We were discussing our newly born daughters. Maria made the comment that although I had spent time in a state institution as a child and had little supportive family infrastructure while she had a large supportive family I could expect my daughter to be better off than hers by virtue of the fact that her daughter is black while mine is white.

³⁷ For an example of the ways non-Indigenous people benefited from Aboriginal peoples’ labour in the formation of the pastoral industry see Paul Marshall (ed), *Raparapa Kularr Martuwarra Stories From the Fitzroy River Drovers*, Broome: Magabala Press, 1988.

³⁸ For a further discussion of the need to teach politically see, Carmen Luke, “Feminist Politics in Radical Pedagogy” in Luke Carmen & Gore Jennifer (eds), *Feminisms and Critical Pedagogy*, Routledge: London, 1992, pp. 25-54.

theory as literary critique, itself political, but largely confined to the academy, and overt politics.

When Aboriginal peoples' life-stories are read in isolation from the context of their production there is a danger that postcolonialism, while embracing a "politics of emancipatory self and social empowerment," serves to maintain "the tradition of liberalism, the tenets of which already include an ethics of care, solidarity and liberation"³⁹ which perpetuates inequalities.⁴⁰ This occurs, I suggest, through the separation of theoretical and academic knowledges from practical strategies. This inappropriate practice facilitates an easy transition between reading texts written by Indigenous writers within a postcolonial context or course, empathising with the experiences, recognising the injustices and social inequities, and finally believing (falsely) that this process, in itself, contributes to change. Once again, a 'negative reterritorialisation'.

3.3 Postcolonialism: what's in a name?

I now want to turn to a discussion of the term 'postcolonial' itself. While in some contexts, in the late 1990s when postcolonialism is a well-established field of inquiry, it may seem unnecessary to interrogate the meaning of the term, doing so demonstrates that it is a contested field in which much work still needs to be done. Clearly the need to critique definitions and theoretical perspectives within the field is a response to many concerns that have been raised about it. These concerns are foregrounded in the introduction to *Contemporary Postcolonial Theory* where the editor Padmini Mongia begins by posing two questions about the definition of 'postcolonialism'. She asks: "Does the term refer to texts or to practices, to psychological conditions or to concrete historical processes? Or does it perhaps refer to the interaction of all these?"⁴¹

Mongia makes the point that writers in *Contemporary Postcolonial Theory*, including Ella Shohat, Sara Suleri, and many others, deploy postcolonialism as an umbrella term that signifies "both changes in power structures after the official end of colonialism as well as colonialism's continuing effects, particularly as they are

³⁹ Luke, 1992, p. 29.

⁴⁰ This is discussed as it occurs in law in Chapter Six.

⁴¹ Padmini Mongia (ed), *Contemporary Postcolonial Theory*, London: Arnold, 1996, p. 2.

manifested discursively.”⁴² Homi K. Bhabha, at the “Critical Fictions” conference asserted that:

... the term postcolonial is increasingly used to describe that form of social criticism that bears witness to those unequal and uneven processes of representation by which the historical experience of the once-colonised Third World comes to be framed in the West.⁴³

Of critical importance in these definitions is the focus on discursive manifestations and processes of representation. For while postcolonialism is a practical performance at the level of political intervention, it is also always about engaging with representations, positive or negative, and responding to them.

Certainly, postcolonialism is, as Williams and Chrisman assert, “far from being a unified field;”⁴⁴ neither is it a limited field. Its extent is articulated by Anne Collett in a paper called “Perspectives on Home Ground, Foreign Territory” in *Teaching Post-Colonialism and Post-Colonial Literatures*. Collett’s paper is largely about her experience as “a fourth generation Australian, of white, middle class, Protestant school-teacher parents”⁴⁵ teaching postcolonial literature at the University of Aarhus. She writes:

Post-colonialism is about becoming self-determining. In terms of both community and self, post-colonialism is about choosing, selecting – deliberately, consciously examining the past, the present and deciding a course for the future. In terms of community it is about economic, governmental and ideological independence – of the people by the people for the people. In terms of self, it is a process of becoming consciously aware of history – what has made me what I am, and how can I become actively participatory in that creative process? In terms of literature and the creators of that literature it is primarily about taking possession (or re-possession) of the language(s) of discourse, and it is also about encouraging community participation in that creative energy. In terms of literary criticism, post-colonial theory moves out of a process of de-construction to one of re-construction. Post-colonialism is about creating and asserting identity at the same time that it seeks to undermine the

⁴² Mongia, 1996, p. 1-2.

⁴³ Homi K. Bhabha, “‘Caliban Speaks to Prospero’: Cultural Identity and the Crisis of Representation” in, *Critical Fictions*, Philomena Mariani, (ed.), Seattle: Bay Press, 1991, p. 63.

⁴⁴ Williams & Chrisman, 1993, p. 5.

⁴⁵ Anne Collett, “Perspectives on Home Ground, Foreign Territory” in *Teaching Post-Colonialism and Post-Colonial Literatures*, Anne Collett, Lars Jensen & Anna Rutherford (eds), Denmark: Aarhus Press, 1997, p. 15.

generality of stereotype – most often the stereotype nurtured by colonialism.⁴⁶

This definition of Collett's shows some of the breadth of the *ideal* postcolonial field – political action to literary theory – and the inter-relatedness of its different aspects. It is ambitious, inclusive as it is of social action, literary criticism and all that choose to be “self-determining”. It articulates an ideal politics – “in terms of both community and self, post-colonialism is about choosing, selecting – deliberately, consciously examining the past, the present and deciding a course for the future.”

Collett's ideal allows for an “imagined community”.⁴⁷ It does not, however, explicitly take account of the lived experiences of people that undermine their ability to be ‘self-determining’, to “choose, select ... and decide a course for the future”. Further, she fails to problematise and explain what is meant by the concept of self-determination other than to define it as the “economic, governmental and ideological independence – of the people by the people for the people”. ‘Self-determination’ has been a political catch-cry in many situations, including in reference to Aboriginal peoples in Australia, and for quite disparate purposes. While people may be empowered by such rhetoric, some qualification is required. The need for this qualification can be appreciated when a common catch-cry applied to Aboriginal people, ‘why can't they do it (stop children truancy, run successful bureaucracies, become self-sufficient etc.) themselves?’ is considered. One simplistic response would be, ‘some do’ but ‘others are limited by their inculcation in a system of state welfare’.⁴⁸

But Collett is concerned with more than community self-determination. She is also concerned with individual self-determination and it is this area in which I am particularly interested. She poses the critical question: “what has made *me* what I am, and how can I become actively participatory in that creative process?”⁴⁹ ‘Me’ is the crucial term in this question. It allows each reader to situate her/himself as the subject within the postcolonial process that Collett describes. Too often there are easy slippages within postcolonial theory that cause identity to be overtly ascribed to

⁴⁶ Collett, 1997, p. 19.

⁴⁷ From Benedict Anderson, *Imagined Communities*, London: Verso, 1991.

⁴⁸ See Chapter Five for a discussion of Western Australian legislation, Aboriginal people and the State welfare system.

⁴⁹ Collett, 1997, p. 19.

Indigenous peoples with only limited focus on the identity of non-Indigenous people. Hence the need to ask what postcolonialism is, what it allows, and what it hides?

There is no single answer to Collett's question. Rather, there is a plurality of responses that might be made, all dependent on national identity, socio-economic status, childhood experiences and many other factors. How we participate in this process is clearly historically determined. I have illustrated several catalysts for my own involvement in issues that focus on Indigenous and non-Indigenous relationships and which partly explains my interest in postcolonial theory and praxis.

3.4 Australian Demarcations

In a field of study that exists because of the movement of people from one country to another (and the subsequent integration and oppression of cultures and people) demarcation of theoretical knowledges is both arbitrary and strategic. For this work I am particularly interested in postcolonial theory as it is written, read and strategically applied in Australia and more particularly in Western Australia. For this reason, I pay particular attention to the work of Australian theorists including Helen Tiffin, Vijay Mishra, Bob Hodge, Gareth Griffiths, Hugh Webb, Kateryna Longley and Bill Ashcroft. However, Frantz Fanon, Albert Memmi, Stephen Slemon and Diana Brydon also play significant roles. Within the limits of this chapter it is not possible to engage fully with these theorists' work. Every engagement is necessarily partial, and might be more aptly described as a 'raid'.

The positioning of Australia as postcolonial is both useful and problematic. Postcolonial theory in this country often suggests that the central protagonists in the performance are Britain and Australia, or more specifically England and white Australia. Bill Ashcroft, Gareth Griffiths and Helen Tiffin have much to say about the term 'postcolonial' in *The Empire Writes Back*. This work is important in any discussion of postcolonialism in Australia for several reasons: the book's timing (published in 1989 one year after Australia's Bicentenary celebrations), the fact that its three writers were teaching in Australia at the time, and, most importantly, its comprehensive engagement with and articulation of an important, growing critique which has subsequently generated much discussion in the field of postcolonialism in Australia. They use the term 'postcolonialism':

... to cover all the culture affected by the imperial process from the moment of colonisation to the present day. This is because there is a continuity of preoccupations throughout the historical process initiated by European imperial aggression.⁵⁰

While I accept their point that the colonial experience affected all literature written in, and the socio-political experiences of, people in countries such as Australia, South Africa, Malaysia and others, I find this use of the term too inclusive. The flattening out of colonial and postcolonial experience in this deployment of the term allows for little distinction to be made between countries such as India and Australia for example.

It does not differentiate between those numerous texts, and writers, that are unself-reflexively colonial yet written, and writing, in countries such as Australia that Ashcroft *et al.* identify as postcolonial. Further, it must be noted that some earlier writers in Australia, who by the above definition are postcolonial, did not seek to establish their difference from Britain but rather to maintain it. Some of these same writers have been responsible for creating stereotypes of Indigenous people that reinforce colonial beliefs and that have subsequently been instrumental in maintaining colonialism. (In “Doin the Post-Colonial Story? Neidjie, Narogin and the Aboriginal Narrative Intervention... or Flagging the Post-Colonial: Hoisted on Whose Petard?”) Hugh Webb expresses his concerns with *The Empire Writes Back* and a “lack of cultural specificity” by posing the question:

What cultural specificity (indeed, what cultural respect) can be acknowledged within a post-colonial category that is defined as covering “all the culture affected by the imperial process from the moment of colonisation to the present day”?⁵¹

The fact is that Indigenous people, including Alice Nannup (whose work is discussed in some detail in Chapter Five), most often “write back” directly to white Australian texts, institutions and ideologies not British ones. After all, while the British government invaded Australia and enacted initial legislation determining the lives of Indigenous people, it was the Western Australian government that enacted the

⁵⁰ Bill Ashcroft, Gareth Griffiths & Helen Tiffin, *The Empire Writes Back*, London: Routledge, 1989, p. 2.

⁵¹ Hugh Webb, “Doin the Post-Colonial Story? Neidjie, Narogin and the Aboriginal Narrative Intervention... or Flagging the Post-Colonial: Hoisted on Whose Petard?” in *Span, Journal of the South Pacific Association for Commonwealth Literature and Language Studies*, Jenny de Reuck and Hugh Webb (eds), Issue 32, Murdoch: Murdoch, 1991, p. 33.

1905 Aborigines Act. This act, with all other legislation pertaining to Indigenous people “bears witness” to Australian governments and peoples’ complicity in colonialism, as colonisers in their own right.⁵²

A more recent example of Australia’s continuing acts of colonialism is to be found in the High Court’s 1992 Mabo decision. I do not want to under-rate the importance of this decision or the land rights it has ensured for the Merriam people. However, several key passages from the Mabo decision suggest to me that the judgement and the native title process which has succeeded it are part of a continuing colonial discourse of dispossession. All Justice Brennan does in his judgement is acknowledge that the colonisers were *mistaken* about the state of the land they occupied. At point 38 within the judgement he simply rejects the assumed fact that there was no “settled inhabitants or settled law”⁵³ in Australia at colonisation. Importantly this has not changed the fact of dispossession; it just led, in Mabo, to a different and retrospective explanation of how Indigenous people have been, and will continue to be, dispossessed. This is clearly evidenced at point 60:

When the tide of history has washed away any real acknowledgement of traditional law and any real observance of traditional customs, the foundation of native title has disappeared. A native title which has ceased with the abandoning of laws and customs based on tradition cannot be revived for contemporary recognition. Australian law can protect the interests of members of an Indigenous clan or group, whether communally or individually, only in conformity with the traditional laws and customs of the people to whom the clan or group belongs and only where members of the clan or group acknowledge those laws and observe those customs (so far as it is practicable to do so). Once traditional native title expires, the Crown’s radical title expands to a full beneficial title, for then there is no other proprietor than the Crown.⁵⁴

That this is part of a continuing colonial discourse was made clear to me through a conversation I had with an Injibarndi elder. While talking about the Ngulama and Injibarndi native title claim that is currently in the Federal Court,

⁵² The relationships between the British Colonial Office and Australia were complex. Colonisation of Australia coincided with anti-slavery debates that most certainly resulted in the British Colonial Office trying to convince Australian colonial administrations to respect more fully the rights of Indigenous Australians. Henry Reynolds discusses this in detail in *Law of the Land*, Ringwood: Penguin, 1987. See also Chapter Five, for a discussion of Western Australian state legislation that determined the lives of Indigenous people in this state from 1848 to the present.

⁵³ Mabo v Queensland (no. 2) (1992) 175 CLR 1.

⁵⁴ Mabo v Queensland (no. 2) (1992) 175 CLR 1.

Woodley King explained how the government had made them leave their traditional lands, send their children to school and insist that they learn English for their native title claim to be successful. They were now required, however, to demonstrate that they live traditionally and that their children learn the Injibarndi and Ngulama languages. A sad irony?

My concern with Ashcroft *et al*'s use of the term 'postcolonial' comes out of the local focus of this work and the adamant disavowal of it by Indigenous people working in academic environments. This is illustrated by a discussion of several Indigenous writers' responses to the term 'postcolonialism' later in this chapter. Further, working with Indigenous people in Western Australia throughout the time of the *Royal Commission into Aboriginal Deaths in Custody*, it was impossible to accept a broad definition of that the term 'postcolonial' was appropriate as a way of describing relations between Indigenous and non-Indigenous people in the State, as I will explain, later.

The authors' emphasis on the necessity to critique neo-colonial practices and the recognition of "unequal treatment of Indigenous peoples in settler/invasion societies" is understated by Ashcroft, Griffiths and Tiffin in *The Empire Writes Back*. In the "General Introduction" to *The Post-Colonial Studies Reader*, however, the authors clarify their usage of the term 'postcolonial' insisting that it is a process of resistance and reconstruction. They write:

Post-colonialist critics and theorists should consider the full implications of restricting the meaning of the term to 'after-colonialism' or after-independence. All post-colonial societies are still subject one way or another to overt or subtle forms of neo-colonial domination, and independence has not solved this problem. The development of new elites within independent societies, often buttressed by neo-colonial institutions; the development of internal divisions based on racial, linguistic or religious discriminations; the continuing unequal treatment of Indigenous peoples in settler/invasion societies – all these testify to the fact that post-colonialism is a continuing process of resistance and reconstruction. This does not imply that postcolonial practices are seamless and homogeneous but indicates the impossibility of dealing with any part of the colonial process without considering its antecedents and consequences.⁵⁵

I fully agree with them that it is not possible to deal "with any part of the colonial process without considering its antecedents and consequences". Given that,

⁵⁵ Ashcroft *et al.*, 1995, p. 2.

I find it surprising that they do not specifically address Australian Indigenous concerns with the use of the term. Or, make a stronger claim for postcolonialism as a particular moment or set of practices that are strategically deployed.

Kateryna Longley, another Australian academic, has also played a significant part in theorising the postcolonial in this country. Her description of postcolonialism is considerably more useful than Ashcroft *et al*'s. Of postcolonial theory and practice Longley writes that they "emerge out of and in reaction to colonial texts and colonial ways of reading."⁵⁶ She recognises that it cannot only be marked spatially or temporally, that it is a constant process of intersection, mutation and transformation. Longley provides an explanation of postcolonialism as temporal, anti-colonial resistance/counter-discourse and a critique of colonial forms of representation. In this her work is similar to that of Marcia Langton's (a discussion of which follows); however, they differ considerably in their faith in the possibility of decolonisation.

When defined temporally, postcolonialism for Longley "refers to the period after colonial rule is over"⁵⁷ and she cites the end of colonial rule in the Ukraine, in December 1991, as an example of this form. She goes on to make the observation that:

... while most theorists are quick to point out that this temporal dimension is often unimportant, or even irrelevant to the critical use of the term, I believe it is an essential one simply because, historically there are moments of political transition from colonised state to independent nation such as we are witnessing around the Russian state now and at these moments artistic production is a crucial barometer of change.⁵⁸

While she asserts the importance of temporal markers, Longley also acknowledges that a date such as December 1991 is merely that, a temporal marker that does not negate expressions of postcolonialism occurring before this time and further, does not suggest that all colonial practices cease at this point.

Following this logic, it can therefore be argued, in Longley's terms, that postcolonialism has little significance for settler colonies such as Australia where the invading group remained and retained power. However, Longley does not make this point. As I have written elsewhere, "Australia is a country where Aboriginal peoples'

⁵⁶ Kateryna Longley "Postcolonial Writing: Introductory Notes" in *Post Colonial Writing*, Jenny de Reuck (ed), Murdoch: Murdoch University, 1994, p. 19.

⁵⁷ Longley, 1994, p. 19.

⁵⁸ Longley, 1994, p. 19.

sovereignty is not recognised, where the majority of Australians know little about Aboriginal cultures or the actual socio-economic conditions that Aboriginal people live in, and where land rights are strongly opposed by most state governments,”⁵⁹ the Federal government and Pauline Hanson’s party, “One Nation.”⁶⁰ It is also a country where in 1997 the Prime Minister refused to apologise to Indigenous people for past government legislation, which sanctioned the removal of children from their families. To suggest that Australia is thus postcolonial in a temporal sense is certainly problematic as both Roberta Sykes, activist and writer, and Mudrooroo, a writer, both passionately declared at the Post-Colonial Fictions Conference held in Fremantle, Western Australia in December 1992. I will return to this event shortly.

The second form of postcolonialism identified by Longley is “anticolonial resistance/counter-discourse”. Phrases such as “decolonising the mind”, “decolonising the subject” and “decolonising the text” are highlighted to demonstrate the ways in which postcolonial theory is, in this characterisation, about critiquing various systems of overlapping oppressions. It is an active process, one which necessarily foregrounds agency. Counter-discourse, within this second form, is in effect ‘counter-history’ and, as the term implies, is the writing of another version of history. Life stories, such as Alice Nannup’s *When the Pelican Laughed* and Glenyse Ward’s *Wandering Girl*, written by Indigenous people in Western Australia, are examples of this counter-discourse.

This second characterisation of the postcolonial identified by Longley is important for its emphasis on agency and decolonisation of the mind, the subject and the text. However, according to Marcia Langton, decolonisation is an unrealistic goal, so that her own use of the term ‘anti-colonial’ does not suggest that decolonisation is a possibility. Further, the relationship between resistance and decolonisation that Longley’s second criterion presupposes cannot be taken for granted. Just what constitutes resistance and decolonisation, how they operate, what signals their effects is often left unstated. The question therefore remains: how is decolonisation of colonial institutions and texts to be achieved? This question is difficult to answer and

⁵⁹ Kathryn Trees, “The Politics of Post-colonial Reading Practices as they Relate to the Work of Aboriginal Writers in *Teaching Post-Colonialism and Post-Colonial Literatures*, Anne Collett, Lars Jensen & Anna Rutherford (eds), Denmark: Aarhus Press, 1997, p. 157.

⁶⁰ One Nation is a right wing conservative party that gained 11 seats in the June 1998 Queensland State elections. One tenet of the party is that all native title rights in Australia should be abolished.

more particularly considering Longley's suggestion that it is the "broad politics of resistance"⁶¹ that causes postcolonialism to be criticised as having "over-reached itself and unceremoniously taken over the legitimate territory of other theories for its own expansionist purposes."⁶²

Stephen Slemon in "Unsettling the Empire: Resistance Theory for the Second World" asks three very important questions about literary resistance that are also useful in discussing and critiquing postcolonialism. He asks:

Is literary resistance something that simply issues forth, through narrative, against a clearly definable set of power relations? Is it something actually there in the text, or is it produced and reproduced in and through communities of readers and through the mediating structures of their own culturally specific histories? Do literary resistances escape the constitutive purchase of genre, and trope, and figure, and mode, which operate elsewhere as a contract between text and reader and thus a set of centralising codes, or are literary resistances necessarily embedded in the representational technologies of those literary and social 'texts' whose structures and whose referential codes they seek to oppose?⁶³

As I want to demonstrate by a discussion of *When the Pelican Laughed* (and as made clear by my comments on narrative), resistance is not something that abides in a text. Certainly, a writer deploys methods of writing and content that challenge readers to engage with the text in a way that supports her or his project. However, as we have learnt from Derrida, Foucault, Bakhtin and many others the reader's own socio-historical background determines what the reader brings to a text and therefore what meanings are constructed. This makes it possible for one reader of *When the Pelican Laughed* to be quite distraught and dismayed at Australian government legislation that allowed the removal of children from their families and another reader to merely feel compassion, dismiss it, or decide that it was "for their own good".⁶⁴ In any case, feelings alone do not effect change.

The final characterisation of postcolonialism for Longley is the "critique of colonial forms of representation". Here "it is not the 'content' of a text which is of

⁶¹ Longley, 1994, p. 20.

⁶² Longley, 1994, p. 20.

⁶³ Stephen Slemon, "Unsettling the Empire: Resistance Theory for the Second World" in *Contemporary Postcolonial Theory*, Padmini Mongia, (ed) London: Arnold, 1996, p. 73.

⁶⁴ This phrase comes from the title of Anna Haebich's, *For Their Own Good*, Perth: University of Western Australia Press, 1988.

paramount importance but the form, not text but textuality and text-production.”⁶⁵ Experimental writing, such as Kate Grenville’s *Joan Makes History*,⁶⁶ can be cited here. In this novel Grenville disrupts the notion that Australia has only a white linear history. Through a series of leaps back in time several women, all named Joan, recount the part that they have played, but that has previously been unwritten, in the country’s history. Grenville plays with both form and content as a means of disrupting colonial narratives.

This brief overview of Ashcroft *et al.* and Longley’s engagement with postcolonialism foregrounds reasons for concern with the use of temporality as a marker of this theoretical category, particularly in places such as Western Australia. Bob Hodge and Vijay Mishra in *Dark Side of the Dream: Australian literature and the postcolonial mind* agree that “the prefix [which] seems to construct a simple version of history in which the ‘modern’ or the ‘colonial’ is totally superseded.”⁶⁷ They suggest this implication arises from an uncritical use of the term that does not distinguish between “oppositional” and “complicit” postcolonialism.⁶⁸ They use the phrase “the postcolonial complex”⁶⁹, which, immediately critical, comes as a welcome relief as a way of signalling this field of disparate yet inter-related concerns.

The distinction Hodge and Mishra make between “oppositional” and “complicit” is a vital one. They write:

...it is useful to distinguish between the postcolonial as an historical moment, and something broadly akin to Lyotard’s postmodernism, a postcolonialism (like postmulticulturalism) in which certain tendencies are always inherently present. Postcolonialism in this second sense is the underside of any colonialism, and it can appear almost fully formed in colonial societies before they have formally achieved independence. Conversely, ‘postcolonialism’ as the period that follows a stage of colonisation is not necessarily subversive, and in most cases it incorporates much from its colonial past.⁷⁰

Hodge and Mishra are particularly concerned to point out that ‘settler’ countries cannot be considered postcolonial in the same way that India is, for instance. Frankenberg and Mani too ask, “What ... happened to ‘neo-colonialism’ in all this talk

⁶⁵ Longley, 1994, p. 21.

⁶⁶ Kate Grenville, *Joan Makes History*, St. Lucia: UQP, 1988.

⁶⁷ Bob Hodge & Vijay Mishra, *Dark Side of the Dream: Australian Literature and the Postcolonial Mind*, Sydney: Allen & Unwin, 1990, p. xi.

⁶⁸ Hodge & Mishra, 1990, p. xi.

⁶⁹ Hodge & Mishra, 1990, p. xi.

⁷⁰ Hodge & Mishra, 1990, p. xi.

of the colonial and the post? In short, what do we too hastily elide when we involve the ‘postcolonial’, especially as an ‘ity’, as a condition, state, way or form of being spread evenly over an area without specified borders or unevenness or contradiction?”⁷¹ Hodge and Mishra’s recognition that there are “certain tendencies [which] are always inherently present” allows for an articulation of the colonial and neo-colonial practices that continue to occur and be enacted in countries, such as Australia and which are the most serious obstacles to postcolonialism. As we are reminded, Australia has “become in its own small way a colonising power in the Pacific region ... but more structurally in its formation it adopted the classic attitudes of imperialism in its treatment of the Aboriginal people of Australia.”⁷²

3.5 Postcolonial fictions: Indigenous writers on parade?

While the contribution of postcolonial theory to changes in/to colonialist and imperialist attitudes should not be undervalued, an ongoing critique of postcolonial practice is vital. One important component of this critique must be a dialogue between dominant and marginal groups to ensure that postcolonial theory does not itself become a tool for a “new elite” that fosters neo-colonialism and the “unequal treatment of Indigenous people in settler/invasor societies.”⁷³ In this section I therefore consider the response of several Indigenous people to the term.

Ama Ata Aidoo in a paper presented at the “Critical Fictions” conference in New York in May 1991 concedes that ‘postcolonialism’ might apply to a certain extent to “the erstwhile imperial dominions”, including Australia. However, while:

... [p]erhaps the concept was relevant to the United States after its war of independence, and to a certain extent to the erstwhile imperial dominions of Canada, Australia and New Zealand. Applied to Africa, India, and some other parts of the world, ‘postcolonial’ is not only a fiction, but a most pernicious fiction, a cover-up of a dangerous period in peoples’ lives. For unlike “neocolonial” for instance, “postcolonial” posits a notion of something finished.⁷⁴

⁷¹ Ruth Frankenberg & Lata Mani, “Crosscurrents, Crosstalk: Race, ‘Postcoloniality’ and the Politics of Location” in *Contemporary Postcolonial Theory*, Padmini Mongia (ed), London: Arnold, 1996, p. 351.

⁷² Hodge & Mishra, 1990, p. xiii.

⁷³ Ashcroft *et al.*, 1995, p. 2.

⁷⁴ Ama Ata Aidoo, “Conference Presentation” in *Critical Fictions The Politics of Imaginative Writing*, Philomena Mariani (ed), Seattle: Bay Press, 1991, p. 152.

While for Aidoo postcolonialism may be applied to Australia, Alice Nannup, an Injibarndi woman from Western Australia, does not agree. Nannup was invited to speak at the triennial “South Pacific Association for Commonwealth Literature and Language Studies” conference, “Postcolonial Fictions”, held in Fremantle, Western Australia, in December 1992. The name of the conference was intended to problematise the term ‘postcolonialism’. Nannup was unfortunately unable to attend. In responding to the invitation however she said, “my work is not fiction but perhaps postcolonialism is.”⁷⁵ While she did not explain her dissatisfaction with the term, her use of ‘fiction’ in relation to it was telling.

Each of the Indigenous and several non-Indigenous speakers at the conference reinforced Nannup’s opinion. Roberta Sykes, writer, activist and a panel member discussing Indigenous responses to postcolonialism said, “What! Have I missed something? Have they gone?”⁷⁶ While such a comment is not necessarily meant to be taken literally, it does foreground the tensions that exist both politically and, I suggest personally, between many Indigenous and non-Indigenous people in Australia. And Mudrooroo described postcolonialism and its relationship to the writing of Aboriginal people as “a predatory beast, on the prowl, ready to eat up [these writings] and shit them out as turds of colonial bullshit.”⁷⁷

Roberta Sykes also expressed her anger at the way in which Indigenous people were “paraded out” at academic conferences, which she attributed to political correctness, a feature of postcolonialism. She claimed that the Indigenous writers at the conference were like animals in a zoo, on display for the academic audience. As the person who directly invited Roberta Sykes, Ruby Langford Ginibi and Ngahua Te Awekotuku, my response was that responsibility for accepting such an invitation, for negotiating one’s own speaking position within the framework of such a conference, must then reside with those who choose to attend.

Sykes’s response foregrounds some of the difficulties that are faced by Indigenous and non-Indigenous people working within a postcolonial frame. Though the title of the conference “Postcolonial Fictions” was, in part, selected to problematise

⁷⁵ Kathryn Trees & Mudrooroo Nyoongah, “Postcolonialism: yet another colonial strategy?” in Michele Drouart (ed), *Span*, Murdoch: Murdoch University, 1993, p. 264.

⁷⁶ Kathryn Trees, 1997, p. 156.

⁷⁷ Kathryn Trees & Mudrooroo Nyoongah, 1993, p. 265.

postcoloniality in relationship to Indigenous Australians, it was unsuccessful in this respect. Many complex, interrelated and competing issues were at work.

That the conference was an academic forum caused much tension and many challenges to white academics about their right to speak on what were seen, by some, to be Indigenous issues. These challenges have their origin in the history of academic practice, particularly anthropology, history, literature and law that have perpetuated primitivistic representations of Aboriginality by “making statements about it, authorising views of it, describing it, teaching it, settling it, ruling over it: in short, as a western style for dominating, restructuring and having authority over it.”⁷⁸ The weight of this history is immense, making sense of Sykes’ observation that “Indigenous writers are on parade”, much like a ‘show and tell’; ‘let us see what you can do’.⁷⁹

Much time and energy was spent at the “Postcolonial Fictions” conference debating the appropriateness of the term. On day two of the conference an impromptu panel of Indigenous writers, Roberta Sykes, Ruby Langford Ginibi, and Mudrooroo from Australia and Ngahuia Te Awakotuku and Witi Ihimaera from New Zealand, all gave their responses to it, and some of these have already been discussed.⁸⁰ Without exception these Indigenous speakers and writers forcefully made the point that postcolonialism is a white academic fiction. It would appear, as Hugh Webb asserts in his discussion of postcolonialism as a super-narrative,⁸¹ that “[t]he ‘postcolonial’ is a confused misnomer in an Australian context.”⁸² Not only is it “confused” it is also “an oppressive misnomer”⁸³ when applied to Aboriginal culture.⁸⁴

If the discussion of the term ‘postcolonial’ had generated constructive debate in this session it would have served as an “incitement to discourse”, a phrase coined

⁷⁸ Edward Said, *Orientalism*, Ringwood: Penguin Australia, 1978, p. 1.

⁷⁹ In the five years since the “Postcolonial Fictions” conference there have been an increasing number of opportunities for Aboriginal people to speak in public forums. At the “Aboriginal Culture and Copyright” conference held in Perth in 1996 similar objections were raised.

⁸⁰ This panel discussion has been recorded as a segment in a teaching video on postcolonial theory, called “Postcolonial Fictions” developed from the 1992 conference.

⁸¹ This is a term that Webb has taken from Katerina Arthur’s article “Beyond Orality: Canada and Australia”, *Ariel* 21, no. 3, 1990.

⁸² Hugh Webb, “Aboriginal Writing: Twisting the Colonial Super-narrative”, in *English Postcoloniality: Literatures from Around the World*, (eds) Radhika Mohanram and Gita Rajan, London: Greenwood Press, 1996, p. 195.

⁸³ Webb, 1996, p. 195.

⁸⁴ It should also be noted that, ironically, during this panel discussion there was an anti-racism rally occurring in Perth, just fifteen kilometres away, that we did not attend.

by Foucault in *The History of Sexuality*.⁸⁵ However, while there was much debate about the usefulness of the term throughout other sessions of the conference, this was silenced in the face of Indigenous people asserting that the term had nothing to do with them. Why was it not possible for those in the wider audience to voice their support of the term? In part, I suggest this has to do with the incommensurability of experiences and a lack of theorisation of this factor.

3.6 “Undermining the colonial [and postcolonial] hegemony”⁸⁶

As has been noted, then, the ‘post’ in postcolonialism is problematic for many theorists and activists in part because it is unable to divest itself from the implication that colonialism is past. One response to the use of the term is to assert that terminology is not the primary issue and theorists and activists alike should get on with the work. While there is obvious merit in this way of thinking, the response to the term from Indigenous and non-Indigenous people at the “Postcolonial Fictions” conference clearly demonstrates that language matters. It is fundamental to all forms of representation and as such it is an overt expression of societal politics and values. Marcia Langton’s work *‘Well I heard it on the radio and saw it on the television...’*, a discussion of filmic representations of Indigenous people in Australia, is useful for its insistence on the need for “a practical commitment to the political consequences of representation”⁸⁷ by both Indigenous and non-Indigenous people.

In her Foreword to Langton’s text, Annette Hamilton writes:

While the concept of post-colonialism has become fashionable of late, Marcia Langton’s insistence on an anti-colonial perspective changes the usual terrain. An anti-colonial stance requires above all a practical commitment to the political consequences of representation. Anti-colonialism requires a rupture and a positive awareness of the way colonial representation has shaped, and misshaped, reality for coloniser and colonised alike.⁸⁸

Langton begins by describing her text as a “politics of representation”.⁸⁹ It is intended to be a catalyst for an “extended debate on the need for an anti-colonialist

⁸⁵ Michel Foucault, *The History of Sexuality* Vol. 1, Ringwood: Penguin Books, 1978, p. 18.

⁸⁶ Marcia Langton, *‘Well I heard it on the radio and saw it on the television...’*, North Sydney: Australian Film Commission, 1993, p. 5.

⁸⁷ Langton, 1993, p. 5.

⁸⁸ Langton, 1993, p. 5.

⁸⁹ Langton, 1993, p. 7.

cultural criticism of representation...”.⁹⁰ Her demand for an extended and continuing debate leaves no doubt that in her opinion colonial assumptions, institutions and representations still shape “reality for coloniser and colonised”. Langton expresses no unrealistic hopes about the possibility of reshaping this reality. This is reflected in two questions that she poses about the possibility of decolonisation. She asks:

Can we decolonise Australian institutions? Can we decolonise our minds?
Probably not but we can try to find ways to undermine the colonial
hegemony.⁹¹

As a specific site of possible institutional decolonisation I will focus, in Chapter Six, on a critique of the Australian legal system and the “Aboriginal Culture: Law and Change” seminar for magistrates, one aspect of the Australian Institute Judicial Association’s response to the Royal Commission into Aboriginal Deaths in Custody. Here the intention will be to foreground the interrelationship between discourses, in this case law and colonialism. This interrelationship means that magistrates through their legal training and practice are always, already situated in both modernist and colonialist discourses. From within such frames, while still administering the law, is it possible to decolonise either institution or mind? It is possible to challenge colonialist knowledges about Indigenous people that inform decisions made by magistrates and, further, to enhance dialogue and respect between magistrates and people appearing before them. This is where postcolonial or rather, anti-colonial critiques can, as Dianne Otto, editor of the *Third World Legal Studies* journal suggests, challenge current legal practice and make law mindful of its propensity to further colonise Indigenous people.

Though Langton asserts that it is not possible to decolonise Australian institutions and that postcolonialism is not appropriate to representations of Aboriginality or Aboriginal peoples’ lived experiences, she acknowledges the role of postcolonial theory in generating debates about representation. She does not denounce the concerns or achievements of postcolonial theorists. Rather she writes, “most Aboriginal people involved in production of artforms believe that an ethical, post-colonial critique and practice among their non-Aboriginal colleagues is possible and achievable.”⁹² This point is taken no further however and she provides no explanation

⁹⁰ Langton, 1993, p. 7.

⁹¹ Langton, 1993, p. 8.

⁹² Langton, 1993, p. 26.

of postcolonial theory, of either its strengths or limitations. It is an opinion that conflicts with those of other Indigenous people. Moreover, it can be surmised, by her call for an anti-colonial critique, that postcolonialism is not viable for Langton.

What I find important and empowering about Langton's work is her assertion that Aboriginal and non-Aboriginal people need to work together in this anti-colonising process. This view is also one that former Aboriginal and Torres Strait Islander Social Justice Commissioner Michael Dodson has expressed on many occasions, including a television interview about the *Bringing Them Home* report. On this occasion, he expressed the opinion that this report detailing the experiences of Aboriginal children who had been taken from their families was a call to white Australians to participate in a healing process. Langton acknowledges that many people do not know how to engage with Aboriginal people or issues that relate to them. I would add that many people do not know how to understand their own complicity in such situations or the privilege that they have historically, both directly or indirectly, gained from them. This means that a common response is to stay away, or abdicate any responsibility. It is common to hear people make statements such as: 'they can do it themselves, they don't want help from whites, they won't let you be involved anyway.' Langton's view is that "these are the responses of white Australians who want to abdicate their responsibility to avoid making the mistakes of history."⁹³ It must be said though that these are also the responses of people who do not think the previous treatment of Aboriginal people – the removal of children, or the disproportionate numbers in prisons – was a mistake. There are people who simply do not care about issues that relate to Aboriginal people. Still other people maintain the naive belief that each person is responsible for her/himself. Such a belief is historically rooted in liberalism and itself maintains and generates racism.

Whatever the reason for the abdication of responsibility, the central problem identified by Langton is:

... the failure of non-Aboriginals to comprehend us Aboriginal people, or to find the grounds for an understanding. Each policy – protection, assimilation, integration, self-management, self-determination and, perhaps, reconciliation – can be seen as ways of avoiding understanding.⁹⁴

⁹³ Langton, 1993, p. 38.

⁹⁴ Langton, 1993, p. 38.

My concern, and part of the work of this thesis, is to locate grounds for Indigenous and non-Indigenous understanding, dialogue and working together. The importance of dialogue and mutual understanding for undermining the colonial hegemony that so very clearly operates in Australia cannot be underestimated, especially if Langton's assertion that it is "both Aboriginal and non-Aboriginal people who create 'Aboriginalities'"⁹⁵ is engaged with.

Langton identifies three categories representing the "cultural and textual construction" of 'Aboriginalities'. The first comes from the experiences of Aboriginal people interacting together. This is not to suggest that there are ever truly isolated interactions but there are certainly places and times where, and when, white Australian influences are less dominating, or are different, so that 'Aboriginality' is constructed differently. In such instances, what constitutes 'Aboriginality' may be markedly different from general understandings. Perhaps an important point to make here is that 'Aboriginality' may well not be a significant category in the everyday lives of many Indigenous people living in 'remote' areas.⁹⁶ So for instance in Roebourne people define themselves as Ngulama, Injibarndi, Bunjima—these are the three main groups of people living in the town. It is only people from outside and government agencies that cause identifications to be made in terms of 'Aboriginality'.

Through a discussion of the production of "Jindalee Lady", a film produced by Briann Kearney and directed by Brian Syron in 1992, Langton makes the point that representations of 'Aboriginality' constructed by Aboriginal people are not necessarily any better or less offensive than those constructed by non-Aboriginal people. She writes:

There is a naive belief that Aboriginal people will make 'better' representations of us, simply because being Aboriginal gives 'greater' understanding.⁹⁷

Such a belief is based on racist premises similar to the classification of all Indigenous Australians as 'Aboriginal' or belonging to one undifferentiated group of

⁹⁵ Langton, 1993, p. 34.

⁹⁶ Langton, 1993, pp. 11-12. Langton makes a distinction between 'settled' and 'remote' areas. The arc from Cairns through the major cities to Perth constitutes the settled area. Within it are many small Aboriginal communities. The remaining area is 'remote' and home to most 'tradition-oriented' people.

⁹⁷ Langton, 1993, p. 27.

people.⁹⁸ Underpinning such a belief, and the homogenisation of Aboriginal people, is the colonial notion of the “undifferentiated Other”.⁹⁹ Further, this “naive belief” that an Aboriginal person will necessarily produce a ‘better’ representation ignores differences in class, gender, religion, education, and remote or urban living. It is as if these differentiating characteristics are unimportant in such instances.

But, as Frantz Fanon and many other theorists have strongly asserted, many colonised people wear the mask of the coloniser, internalise and therefore reproduce colonial thinking.¹⁰⁰ Aijaz Ahmad in “The Politics of Literary Postcoloniality” makes a similar point. He suggests that:

[t]he ideational logic of this cultural differentialism is to privilege self-representation over all other kinds of representation and to treat self-representation as a moment of absolute authenticity, as if between the self and its representation there could be no moment of bad faith or false consciousness.¹⁰¹

From the discussion of autobiography in Chapters One and Two here however we know that autobiography or self-representation is mediated. Deliberate choices are made about what information to include or to exclude based on self-interest, community interest or the desired effect to be achieved.

The second category of ‘Aboriginality’ for Langton is that of stereotypes, the imaginings of uninformed white Australians whose misunderstanding is built on primitive representations such as ‘stone age’ or ‘dirty and drunk’. Aboriginal people who have internalised colonial thinking may also perpetuate stereotypes. Evidence of this can be seen in some posters designed by Aboriginal artists that portray Aboriginal people solely in traditional ways, that is hunting and gathering for instance. It is these stereotypical constructions of ‘Aboriginality’, or misrepresentations, according to Langton that form the basis of most relationships between Aboriginal and non-Aboriginal people.¹⁰²

⁹⁸ The imposition of the term ‘Aborigine’ on the Indigenous people of Australia and the subsequent effects of this were discussed by Trees in *Counter-Memories: History and Identity in Aboriginal Literature*, 1991. The discussion draws heavily on the work of Dr Eve Fesl, particularly her paper “How English is Used to Put Koories Down, Deny Us Rights, or is Employed as a Political Tool Against Us.”, Melbourne: Monash Press, 1989.

⁹⁹ Langton, 1993, p. 27.

¹⁰⁰ Frantz Fanon, *Black Skin White Mask*, London: Pluto Press, 1991, most clearly articulates this critique.

¹⁰¹ Aijaz Ahmad, “The Politics of Literary Postcoloniality” in *Contemporary Postcolonial Theory*, Padmini Mongia, (ed) London: Arnold, 1996, p. 289.

¹⁰² Langton, 1993, p. 35.

Langton's final category of 'Aboriginality' includes those constructions that occur as the result of dialogue between Aboriginal people, and between Aboriginal people and non-Aboriginal people. The sets of possibilities are endless and of course vary according to class, gender, and age. As dialogue is motivated in numerous ways, times and context so numerous 'Aboriginalities' are manifested. For Langton 'Aboriginality' is a bankrupt concept unless it falls within this category and is "understood in terms of intersubjectivity, when both the Aboriginal and non-Aboriginal are subjects, not objects."¹⁰³ Most importantly, yet so often not discussed, are the ways in which dialogue, including dialogue between Aboriginal and non-Aboriginal people, allows for the making and remaking of non-Indigenous identities.¹⁰⁴ The same point can be made about the construction of any identity; each of our identities is constructed through dialogue with others. The lack of any articulation of these identities results in a lack of opportunity for honest, productive inter-relationships.

The critical point that Langton makes is that constructions of Aboriginality that do *not* result from dialogue are merely constructions of objects. These objects are the same as those historically produced by uncritical anthropology, literature, and history such as, the 'noble savage' or 'promiscuous black'. While *different* representations may now be produced, when this occurs in the absence of dialogue, objects not subjects are created. The construction of people as objects is also evident in the objectification of women, sexuality and class. Rey Chow, in a paper titled "Where Have All the Natives Gone?"¹⁰⁵ makes a similar observation about the object/subject relation afforded to Indigenous and non-Indigenous peoples alike. Drawing on Lacan's work she describes the relationship:

As the white man's symptom, as that which is externalised in relation to the white-man-as-subject, the space occupied by the native is essentially objective, the space of the object.¹⁰⁶

¹⁰³ Langton, 1993, p. 32.

¹⁰⁴ For a discussion of the construction of 'whiteness' see Linda Delaney, *In-Between Spaces: Constructions, Implications and Negotiations of Whiteness in Australian Indigenous and Non-Indigenous Relations*, Honours Thesis: Murdoch University, 1997.

¹⁰⁵ Mongia, 1996, p. 122.

¹⁰⁶ Rey Chow, "Where Have All the Natives Gone?" in *Contemporary Postcolonial Theory*, Padmini Mongia, (ed.) London: Arnold, 1996, pp. 124-5.

Chow asserts that postcolonial theorists, in attempting to renegotiate their relationship with the “native”, inevitably subjectivise her/him in such a way as to construct the ‘native’ as lack. This occurs, I suggest, when texts written by colonised people are taught merely for this reason, in isolation from the historical and contemporary socio-economic conditions of their production.

The misgivings many people have about the use of the term postcolonialism must be taken seriously. To ignore the concerns expressed by Sykes, Nannup and others is to co-opt postcolonialism to colonialist ends. At the same time, it is important to recognise the contributions that postcolonial theorists and theory make to critiques of colonialism. Peter McLaren in discussing critical pedagogy and postcolonialism writes that:

[t]hese “new times” are also reflective of the narratives we live by. They mirror the stories we tell ourselves about ourselves, stories that shape both the ecstasy and the terror of our world, disease our values, misplace our absolutes, and yet strangely give us hope, inspiration, and framework for insights. We can’t escape narratives but I believe we can resist and transform them.¹⁰⁷

For McLaren there is a symbiotic relationship between “the stories we tell ourselves” and the times in live in. Postcolonial narratives destabilise, subvert, confront, offer us new lines of flight, new becomings.

In deciding where to from here, what trajectory to follow, Trinh T. Min-ha’s definition of a responsible work (from *Woman Native Other*) is a useful guide. It is productive for determining what a “genuine postcolonial enterprise” might be and for implementing effective critical postcolonial pedagogy. She writes:

A responsible work today seems to me above all to be one that shows, on the one hand, a political commitment and an ideological lucidity, and is, on the other hand interrogative by nature, instead of being merely prescriptive.¹⁰⁸

The following chapters provide an account of the ‘practical’ work of this thesis, they represent a substantiation of the nexus of theory and praxis. Postcolonial theory in action. Importantly, it is work that brings together both Aboriginal histories

¹⁰⁷ Peter McLaren, *Critical Pedagogy and Predatory Culture. Oppositional Politics in a Postmodern Era*, London: Routledge, 1995, p. 89.

¹⁰⁸ Trinh, 1991, p. 149.

and white Australian histories in ways that “acknowledge the difference between lived experience and representation; work that is careful not to turn a struggle into an object of consumption.”¹⁰⁹ The accounts are necessarily only partial and do not fully articulate the complexity and richness of being involved in each of these critical moments. But it clearly demonstrates the commitment on the part of Alice Nannup, an Injibarndi woman, students, magistrates, theorists – “without whose participation no solution emerges, for no solution exists as a given”¹¹⁰ – and myself to interrogate colonial sites and practices as a catalyst for facilitating change.

In the following chapter a critique of the “Patterns of Life: The Story of the Aboriginal People of Western Australia” exhibition at the Perth Museum demonstrates several ways in which colonial representations and knowledges of Aboriginal people continue to be perpetuated and thus inform impoverished relationships between Indigenous and non-Indigenous people. These representations are exposed as fraudulent when students draw upon their own knowledges and experiences to interrogate them.

¹⁰⁹ Trinh, 1991, p. 149.

¹¹⁰ Trinh, 1991, p. 149.

Chapter Four

“Knowledges of the Museum”

“Museums, and the museumising imagination, are both profoundly political.”¹

“What is often called the black man’s soul is a white man’s artefact.”²

In 1993, I was invited to design and teach a course in the Primary Education Academic Challenge (PEAC) programme. This programme is part of the state education services for primary school children. While the courses are usually available to those children who are in the top ten percent of their class, I devised a ten week course overtly focusing on ‘traditional’ aspects of Aboriginal culture, such as art, storytelling and music, which was open to anyone who was interested. Although there were seven Indigenous and nine non-Indigenous students in the group (a larger than normal group for PEAC) there were then, as now, more students keen to participate than there were places.

The rationale for the course was that all Australians, regardless of cultural heritage and of contact with Indigenous people, have a relationship to ‘Aboriginality’, one that has for the most part been ignored or denied. One aim was to have students explore their relationships with ‘Aboriginality’ and the wider community by being able to talk with each other and with visiting speakers. It was my hope that such opportunities would provide both Indigenous and non-Indigenous students with ways of understanding and discussing issues that could equip them with a set of critical tools and strategies. This would lead to recognition of and responses to colonial assumptions, and thus facilitate productive inter-cultural relationships. The students could then develop strategies for anticolonial critique and reconciliation.

During the first week of the course students got to know each other and I could gauge the types of existing student knowledge about Aboriginal cultures. All the Indigenous students were Nyoongars. One person explained to the group that this

¹ Benedict Anderson, *Imagined Communities*, London: Verso, 1991, p. 178.

² Frantz Fanon, *Black Skin White Masks*, London: Pluto Press, 1991, p. xv.

was their correct name and that it meant that they belonged to the Perth and south-west area of Western Australia. Each child spoke about their parents' or relatives' connections with Indigenous organisations as a way of explaining the types of information they could bring to the group. Family connections through work and other relationships included the Department of the Family (specifically that section concerned with reconnecting families that had been separated by past government policies), a renowned artist (Lance Chadd), the West Australian Aboriginal Music Association and the Aboriginal Medical Service. This was important information in terms of situating the children's families within the wider community.

Non-Indigenous students were encouraged to talk about their family heritages as a way of identifying themselves. There was nothing said by these students about their national or cultural heritages. However, they were all eager to talk about why they had chosen the course and expressed their desire to learn more and to meet Aboriginal people. I was surprised by their awareness of several contemporary political issues such as the Brewery Site dispute³ and Aboriginal deaths in custody.

I explained to the Nyoongar children that they could provide knowledge of Indigenous cultures for the group if and when they wanted to. There was no naive assumption that all the children would feel they had cultural knowledges to bring along or that they would want to display what knowledges they had. We also discussed the fact that the other students would have their own opinions and various degrees of knowledge to share and evaluate.

Interestingly, but perhaps not surprisingly, a discussion of the difference between Aboriginal people in remote, as opposed to urban areas, was generated. This fed directly into one issue with which I was particularly concerned to deal with, that of authenticity; who is a 'real' Aborigine? And further, how is 'authenticity' represented? These questions became central concerns of the course. They stimulated sophisticated debates about identity and authority for the students and formed the central focus of week two of the course; a visit to the Aboriginal exhibit at the Perth Museum.

³ "On January 2nd, 1989, Aboriginal protesters set up camp on the Sacred Grounds of the Waugal, on Mounts Bay Road, in the middle of the city of Perth. Their camp has been a last ditch attempt to protest beliefs threatened by the redevelopment of an abandoned brewery as a tourist attraction...The state Labor Government ...attempts to belittle the Aboriginal protesters has created a particular bitterness." Martha Ansara *The Old Swan Brewery Dispute Always Was, Always Will Be The Sacred Grounds of the Waugal, Kings Park, Perth, W.A.*, Balmain: Jequerity, 1989, p.vii.

4.1 The museum

Before it is possible to discuss the Primary Extension Academic Challenge class's experience at the Perth Museum and the work that came out of that, it is necessary to consider just what a museum is and how it functions. Michael Belcher in his book *Exhibitions in Museums* reproduces two extensively-used definitions from the International Council of Museums and the Museums Association. According to the International Council of Museums a museum is:

a non-profitmaking, permanent institution in the service of society and its development, and open to the public, which acquires, conserves, researches, communicates, and exhibits, for purposes of study, education and enjoyment, material evidence of man [sic] and his environment.⁴

The Museums Association provides the following definition:

A museum is an institution, which collects, documents, preserves, exhibits and interprets material evidence and associated information for the public benefit.⁵

Belcher then deconstructs these definitions. He points out that words such as “collect, documents, preserves” have fairly obvious meanings; things or information are kept. However, just what is “evidence and associated information” is less clear, more open to interpretation. Questions about who supplies the evidence, where it comes from, and who does the association are raised. It is clear however, that all these terms suggest that the museum's exhibits will be authentic cultural representations and authenticated by a process open to scrutiny. The public will be given a ‘window’ into a particular world or culture and there is a general acceptance that the view through this window will be relatively frozen in time. Relatively, because there may be information additional to museum exhibits that prompts the public to question what they are looking at and how they are situated in relation to the exhibits. Belcher goes on to say: “interprets is taken to cover such diverse fields as display, education, research and publication.” And then, with “for the public benefit” is the notion that museums are the “servants of society”.

⁴ Michael Belcher, *Exhibitions in Museums*, London: Leicester University Press, 1991, p. 8.

⁵ Belcher, 1991, p. 8.

As terms such as ‘interpret’ make clear, museums are not “the neutral and transparent sheltering space[s] that [they are] often claimed to be”⁶ and their exhibits are not disembodied institutional products. They are *produced* by directors and curators. As Carol Duncan asserts, “While we may be reluctant to admit it, the production of an exhibition is more akin to the production of a theatre piece than any other form. Like theatre, exhibitions are formed by a group of people who have highly individualised visions and styles, in a process in which compromise is the order of the day.”⁷ For the most part it is reasonable to assume that the content and methods of the display will reflect state and management values, “these are [however] compromised by the complex interactions of competing parties and interests that exist in any museum.”⁸

The museum, in its function as servant to the public, has an “alleged innate neutrality”⁹ that facilitates its operation as “an instrument of power as well as an instrument of education and experience.”¹⁰ In Althusser’s terms it functions as part of the (State’s) Ideological State Apparatus or “institutions of ideology ... (the school and the university)”¹¹ which, while apparently neutral are not. Many students are taken to the museum as part of their formal learning experience. Very often, and certainly in the case of younger students, little or nothing is done to problematise the neutrality of the museum, the exhibits, or themselves as spectators. The experience is, for all intents and purposes, presented as being apolitical. As can be understood from the experience of the Primary Extension Academic Challenge class, not all spectators are part of the ‘ideal community’ which, in the case of the Perth Museum, might well be assumed to be white, Anglo-Celtic and colonialist. Museums are political.

Benedict Anderson usefully discusses just whose values are reflected in the museum. First, out of respect for his work, it is important to note that his thoughts about this area have changed during the print runs of *Imagined Communities*. In the original edition of the book he wrote:

⁶ Carol Duncan, “Introduction: Museums and Multiculturalism” in *Exhibiting Cultures: The Poetics and Politics of Museum Display*, Lavine and Karp (eds), Washington: Smithsonian Institute, 1991, p. 90.

⁷ Duncan, 1991, p. 188.

⁸ Steven Lavine and Ivan Karp “Introduction: Museums and Multiculturalism”, in *Exhibiting Cultures: The Poetics and Politics of Museum Display*, Lavine and Karp (eds), Washington: Smithsonian Institute, 1991, p. 2.

⁹ Ivan Karp “Culture and Representation in *Exhibiting Cultures: The Poetics and Politics of Museum Display*, Lavine and Karp (eds), Washington: Smithsonian Institute, 1991, p. 14.

¹⁰ Karp, 1991, p. 14.

¹¹ Diane Macdonell, *Theories of Discourse*, Oxford: Basil Blackwell, 1986, p. 13.

... so often in the “nation-building” policies of the new states one sees both a genuine, popular nationalist enthusiasm, and a systematic, even Machiavellian, instilling of nationalist ideology through the mass media, the educational system, administrative regulations, and so forth.¹²

In the current edition of his book he explains that this definition is inadequate because he is discussing parts of Asia where state power is no longer, for instance, simply British, Spanish, Dutch. In the case of Western Australia however, I want to claim that the state ideology remains rooted in British colonialism.

Susan Vogel, a museum practitioner who writes about the ways in which Western culture has appropriated African art, makes some insightful observations – similar to those made by Anderson – that can be applied more generally to museum exhibitions. They are certainly useful for any analysis of the Aboriginal exhibition at the Perth Museum. Vogel makes the point that exhibitions of African art have much more to do with the ways “Western outsiders have regarded African art and material culture over the past century”¹³ than with Africa or African artists. Unless an audience understands that what is on show is a Western representation then they may mistakenly believe they are actually seeing, in Vogel’s case, ‘authentic’ African art.

Anthropologist Marcia Langton, in writing about filmic representations and “racist stereotypes and mythologies which inform Australian understanding of Aboriginal people”, makes a similar point to Vogel’s. She notes that:

... the most dense relationship is not between actual people, but between white Australians and the symbols created by their predecessors. Australians do not know and relate to Aboriginal people. They relate to stories told by former colonists.¹⁴

This can certainly be seen in the Perth Museum’s Aboriginal display. It narrates a very particular story.

It is my contention that what is exhibited, how it is exhibited, what is said, extra written information, and anything extraneous to the display (for example, the commentary provided by guides) will reflect and imply cultural, institutional and

¹² Anderson, 1991, p. 163.

¹³ Susan Vogel, *Art/Artifact: African Art in Anthropology Collections*, New York: Center for African Art, 1988, p. 11.

¹⁴ Marcia Langton, *‘Well, I heard it on the radio and I saw it on the television...’* North Sydney: Australian Film Commission, 1993, p. 33.

personal socio-political beliefs. As a result, the exhibition is imbued with all these meanings; it becomes something other than itself. The Aboriginal exhibit is thus about Western Australian ideologies, at the level of the State, the museum, popular myth, the curators and the guides. It is an exhibit of Western Australia's non-Indigenous response to 'Aboriginality'.¹⁵ Does the museum invite everyone equally to view the exhibit? Does it address the needs of each audience equally?

If what is seen in museums are the curator's and director's representations, never 'the real thing', why are they such significant cultural institutions? The answer is found in part in Anderson's explanation of "nation-building" institutions, for museums have historically been, and remain, articulations of national identity. This is overtly obvious in war museums, for example, where it is the Nation that is put on display. But national identity is also constructed through what it is *not*. Western Australia is not 'uncivilised', the public is not 'primitive'. So it is that art, artefacts, photographs (through the ways they are exhibited and commented upon) can be used to "serve masters other than the aesthetic and cultural interests of the producers and appreciators of art."¹⁶ Ways of seeing, a museum effect, are an apparatus of power.

The importance of decisions, both institutional and personal, that determine exactly what is exhibited (and how) should not be underestimated. The 'what' and 'how' and, just as importantly, what we do not see "reflect deeper judgements of power and authority"¹⁷ that presuppose an audience, public or community of spectators. The identity of that community is directly related to the content and framing of exhibitions. By implication the public is determined, or certainly there is a preferred public whose values are reflected by the museum. And, as will be seen from the following analysis, there are always spectators who are marginalised.

Although it is not my intention to set up the museum as a 'straw man' to be burned, [as on Guy Fawkes night, or pushed over,] it must be critiqued. For it is, in Deleuze and Guattari's terms, an articulation of the State. Like a piece in the game of chess it codes and decodes, it striates. Education for the "public benefit", "for their

¹⁵ It is important to note that consultation with Indigenous groups is increasing but that this does not ensure immediate change.

¹⁶ Karp, 1991, p. 14.

¹⁷ Lavine and Karp, 1991, p. 2.

own good” is one ‘move’. There are rules that determine how the ‘move’ is made: what and how information is presented to the public.

The Perth Museum is in the heart of the city’s official cultural centre. It is part of a ‘cultural circle’ which encompasses the Alexander State Library, the Perth Institute of Contemporary Arts, the Art Gallery of Western Australia and, the Museum. Such a location is a testament to its importance within official Western Australian culture.

While certainly changing to reflect contemporary national and political contexts, it is my belief that the Perth museum still plays a part in instilling nationalist, colonial ideologies and cultural identities. This function is demonstrated by the way Aboriginal peoples and cultures are displayed in a ‘frozen moment’: they are ‘primitive’, ‘exotic’, ‘other’, ‘object’. Little mediating information is offered to deconstruct this representation.

4.2 “The very nature of exhibiting, then, makes it a contested terrain.”¹⁸

The Perth Museum’s Aboriginal exhibit “Patterns of Life The story of the Aboriginal People of Western Australia” is housed on the second floor. It constitutes a narrative about Aboriginal people in Western Australia. The story has remained unchanged for many years, as regular visits to the museum reveal. It is about traditional cultures, people who lived ‘in another time and another space’. It forms part of the colonial apparatus that produces particular types of ‘Aboriginalities’ and hierarchies. ‘Primitive, traditional, even a dying race’ are manifestations of ‘Aboriginality’ maintained by the museum. Clearly, decisions have been made about those elements of Aboriginal culture to include or omit: in Foucault’s terms, what ‘truths’ to assert and what to ignore. It is a traditional exhibit, both in content and style.

The exhibition is traditional in the sense that it displays ‘traditional’ Aboriginal cultures. It is also what the public ‘traditionally’ expects to see in a museum. Interaction with the exhibit is restricted to looking at it, listening to and asking questions of the guide, interacting with others looking at the exhibit, and filling in workbooks supplied by the curators.

¹⁸ Lavine and Karp, 1991, p. 1.

As Vogel's work on African art clearly articulates, exhibitions are not the domain of the 'real'. Although concrete objects and real images are displayed, they are always mediated by the audiences' cultural and socio/political experiences and by the curatorial frames. Objects are often chosen for exhibition because they are regarded as emblematic of, or abstractions of a particular culture or time. The painting in the foyer of the "Patterns of Life" exhibit, described below, provides an example of such a scheme.

In the foyer of the exhibit area there is a small display of tools and crafts and written texts that pay discursive tribute to the age and adaptability of Aboriginal cultures. Information is also provided about the number of language groups that existed prior to the arrival of Europeans and some information about subsequent massacres. Also in the foyer, on the wall at the entrance to the Aboriginal exhibit proper, is a large painting, approximately one by one and a half metres in size, of a group of sixteen Aboriginal people. The untitled painting is a replication of a photograph of "a local group, East of Laverton, about 1900."¹⁹ No title or information about the people represented appears with the painting. Neither is there any information about possible offence or pain which may be caused to some by personal knowledge of, or connection with, people in the painting.

The group of people is posed in the classic European tradition with a row of people, usually men or the tallest of the group standing at the back, and a row of people seated in the front. They are divided into two rows with the men standing in a line at the back, facing the camera. Sitting on the ground in front of them, also in a line, are four women and five children. The men are all 'naked', except for grass belts around their waists. One man has a large bone through his nose and they are all wearing some form of necklace. Six of the men have one arm extended above their head with their hand around the top of a spear. The man in the centre of the line is holding a nulla nulla across his shoulders. The women and children too are 'naked' except for necklaces. A baby, sitting in the lap of one woman, has the woman's nipple clasped in her fingers.

¹⁹ M.E. Lofgren, *Patterns of Life. The Story of the Aboriginal People of Western Australia*, Perth: Museum of Western Australia, 1988.

The painting is exceedingly important occupying, as it does, a large wall space at the beginning of the exhibit proper. It acts as a frame, or point of reference, for how an audience looks at and interprets the next section of the exhibit. As it is a stereotypical image of ‘natives on display’ – the type of image that may have been sent back to England as an example of ‘primitive people’, an example of an anthropological find, or how truly uncivilised Australia was – it is important to consider not just the content of this painting but its size and where it is placed. One effect of it is to place the museum and its ideal audience in a certain hierarchy to the people represented in the painting.

In an essay called “Art Museums and the Ritual of Citizenship”, Carol Duncan suggests that museums work like temples or shrines, and visitors “bring with them a willingness and ability to shift into a certain state of receptivity,”²⁰ to suspend disbelief. This is certainly borne out by the behaviour of the Primary Extension Academic Challenge class in both its interactions with the exhibit and response to the guide’s commentary. It is not just the museum itself and the authority invested in it that makes this so. Assumptions about who the audience is, explicated by the content of exhibits, determines receptivity: am I meant to be here, how am I meant to respond? How then does the painting prompt an audience to look at the exhibit? Through colonial eyes?

The remainder of the exhibition follows a shallow semi-circle with glass fronted display cases on either side of a walkway. The exhibit includes traditional tools such as a Kimberley spearhead, an adze and a southwest trap knife. Each item is labelled. In some cases, there is an explanation of how it is used. There is a replication of a Kimberley cave painted with Wandjina figures. Wandjinas are creators, they are large bodied figures, often only the heads are depicted, with large staring eyes—as a demonstration of rock art. Information about ochres and painting practices is supplied. Several different boats and fishing implements are displayed with an accompanying text about both fishing and contact between Aboriginal people and their close neighbours.

Photographs make up a significant part of the exhibition. Perhaps one of the most startling is that of three women with their backs to the camera. They are displaying thick, deep vertical scars that run down their shoulders and across their buttocks. There is an accompanying sign that explains that “these body scars are signs of maturity ... a

²⁰ Duncan, 1991, p. 91.

recognition of becoming women.”²¹ The photograph is a reminder that objects in exhibits are not neutral; spectators rarely look at any object without some response. The women’s scars invite responses that range from fascination to horror. It is important to understand that what cannot be determined is the type of response the scars would have generated in their original settings. Further, how do Indigenous people respond to the photograph and to the responses of people around them?

If we are to critically view such photographs, it is necessary to understand “the roles played in the creation process by the photographer, the photographic subject, and the viewer.” After all a “photograph is a cultural artefact that articulates a photographer’s visions, biases and concerns.”²² The photographic subject is a silent participant. There is no information in the exhibit to suggest that there was any reciprocity between any of the photographic subjects and the anthropologist/photographer. The subject of the photograph is objectified for both the anthropologist/photographer and the viewer.

The production of exhibits such as “Patterns of Life” is possible because of the state’s (or the museum’s) ability to obtain, and retain, Indigenous artifacts and images. This process is further facilitated by the reproducibility of photographs and paintings so that they can appear in various sizes, at various sites. For them to be exhibited for public consumption there must then be a belief on the part of the museum and its curators that the artefacts and images are not sacred and therefore not off-limits. Or, that their sacredness makes them appropriate museum items. Or, it may well be that there is a disbelief in their sacred or possible sacredness. This is a different point, it implies quite different values and levels of respect, or disrespect, for the displayed people and their culture.

In the light of such important work as Eric Michaels’ *Bad Aboriginal Art*, Marcia Langton’s “*Well I heard it on the radio and saw it on the television*”, and pleas by many Indigenous people that respect be shown for themselves and their cultures, what is missing from the exhibit is an acknowledgement that the images displayed may cause offence or pain to some people. There should also be some acknowledgement

²¹ Lofgren, 1988, p. 18.

²² Duncan, 1991, p. 178.

that past anthropological practices have resulted in photographs and artefacts being available to the public that should not necessarily be available for public viewing.

Michaels, in his essay “A Primer of Restrictions on Picture-Taking in Traditional Areas of Aboriginal Australia”²³, raises vital issues about the secret/sacred domain. He makes the point that what is sacred or public does not necessarily remain so over time and location; rather “the issues of secrecy and sacredness are not static, fixed facts but dynamic, changing negotiations.”²⁴

... The designation of an item as secret as opposed to public is locally made and enforced. But a similar or identical item to that deemed public in one place may well be considered wholly secret and highly restricted in another. Thus a photograph made in one place and authorised for public showing may be discovered to be quite offensive elsewhere.²⁵

The scars designating womanhood on the backs of the women were certainly not put there for the gaze of the non-Indigenous public. Further, because there is no other information accompanying the photograph, it is not known whether all Indigenous people should be able to look at the women. Neither is there any way of knowing if permission has been received from these people or their descendants. If permission has been received, has this been reviewed? This type of information should be available to the public as part of the display. When it is not available it can only be assumed that this important cultural protocol has not been followed.

Of great importance to many Indigenous groups is what Michaels has described as mortuary restrictions. The passing away of an Indigenous person is often marked by restrictions on the use of his or her name, which means that in some instances that another person of the same name may have to be renamed so that hurt or offence is not caused. Since the introduction of photographs, film and sound recordings, these restrictions have been extended to include these media. This is complicated by desires to preserve knowledges, as well as the influence of Christianity and other Western traditions. Indigenous communities are having to renegotiate their cultural practices in response to non-Indigenous influences. This process takes time. This being the case, it is reasonable to expect that, if images are shown in museums, some appropriate caveat would accompany them.

²³ Eric Michaels, *Bad Aboriginal Art*, St Leonards: Allen and Unwin, 1994.

²⁴ Michaels, 1994, p. 6.

²⁵ Michaels, 1994, p. 7.

From looking at the exhibit it can be assumed that the ideal public or spectators are not Indigenous people. Neither are they people who find it problematic that Aboriginal people and cultures are presented as objects for consumption. Indeed, the exhibit must seem appropriate to many viewers, including the State, or its representatives on the Museum Board, the Ministry of Education (students still visit as part of their education), museum administrators and curators, people who share the same attitudes as the exhibition maker. It would not otherwise still exist in its present form. What, precisely, did the Primary Extension Academic Challenge group see when faced with such a form? I want to turn, next, to a specific description of their viewing experience(s).

4.3 “Nor have we thought carefully enough about who participates in the forum.”²⁶

The students, another teacher and myself entered the museum, made our way to the second floor and entered the foyer of the exhibition. Two guides who had been assigned to our group met us. The principal guide, after introducing herself, invited the class to sit in front of the photograph of “A local group. East of Laverton, about 1900” while she described the procedure that would be followed. Each student was given a workbook to fill in as they studied the exhibits, as a record of what they learnt for future reference and presumably as a way of focusing their attention on what were considered, by the museum, to be important aspects of the display. The students were then divided into two groups and allocated a starting point.

The guide began her commentary about the display of artefacts and photographs with an explanation of the painting. It is this painting, her description of it and the students' responses to her commentary that are considered here. At this point in the visit there had been no discussion of expectations and ways of reading the museum or the exhibit, for although I was familiar with it and assumed that it would be useful as a means of discussing colonial, anthropological and primitivistic representations it was not possible to pre-empt, with any certainty, the students' response to it or the frame provided by the museum guide. So it was that I too sat and listened as a student of the guide and the museum.

²⁶ Vogel, 1991, p. 11.

The guide explained to seven Nyoongar and nine non-Indigenous students that this was a painting of a group of natives who had come out of the desert near Laverton, seeing and mixing with “white people for the first time”. The lack of clothing, the beads and the scars that decorated the bodies of the adults were pointed out as proof of their authenticity. She then explained that these people “were unspoilt”, they were “real” Aborigines who still had their “traditional” culture. She made the point that they were *not* like those Aboriginal people who live in towns.

The students sat and listened to this explanation without comment. It was very difficult for me not to protest. There was no apparent recognition by the guide of what she was, by implication, saying about the Nyoongar children in the class. Neither were terms such as ‘unspoilt, real and traditional’ problematised in any way. The two groups were then told they could start their tour of the exhibit. Although they were asked to keep noise to a minimum, both she and the other guide would be happy to answer questions or supply extra comment. Ample time would be given for filling out the workbooks.

As described earlier, the exhibit was positioned as being ‘traditional’. Artefacts were displayed in glass covered cabinets as objects of anthropological finds. In a society that does preserve and value such objects the display itself cannot be regarded as merely negative. It is not my intention to suggest that it is. Students found many items of interest, some enjoyed filling in the workbooks as part of this process. As the group examined rock paintings, tools, and boats (but also skin markings, with scarcely adequate descriptions of their significance), they constructed understandings of the ‘Aborigines’ whose lives were on display here. The interpretative frame, already supplied by our guide, gave the students little choice but to regard the exhibit as the remains or ‘essence’ of primitive cultures that now only existed in a ‘spoilt’ form.

The ideological ‘framing’ of the exhibit is, of course, not accidentally in place. It is, as Karp points out:

... the mode of installation, the subtle messages communicated through design, arrangement, and assemblage, can either aid or impede our appreciation of the visual, cultural, social, and political interest of the objects and stories exhibited in museums.²⁷

²⁷ Karp, 1991, p. 14.

Presentation is not confined to the objects that are displayed or their arrangement. For the objects themselves, while perhaps maintaining their own authenticity, have no innate authority “at least in this place”. In such an instance, it is the curators who have authority as Crew and Sims so succinctly point out in “Locating Authenticity”.²⁸ It is the curators and other officials who decide what and how information is given; it is they who both have and confer authority. This is particularly so in the case of ‘official statements’, such as the guide’s commentary as they act as part of the exhibit, are conferred with institutional authority and determine the social contract between audience and exhibit / museum. In this instance, what the guide said certainly determined the “messages communicated” to the group. A frame of reference for reading the exhibit was supplied.

Simply put, the frame of reference supplied by the guide’s description of the painting was a colonial one. It inferred that the group was looking at objects and images of people that belonged to a time past. The tools, implements and boats were markers of primitive people's ability to live in harsh conditions where survival rather than 'progress' was the central focus of their lives. There was some disquiet about the scars on the backs of the women indicating that undesirable practices were carried out, another marker of ‘lack of progress’. They were valorised as exotic others, while consigned to the dustbin of History.

4.4 Guiding the class

When the ‘official statement’ was made to a group of students seated on the floor, facing the guide, the authority of the museum was re-enforced by a complex series of pedagogic norms and strategies. Within the State education system the teacher occupies a position of power. There is “a system of differentiation”, of “hierarchical subordination”, naturalised within the school system that determines the relationship between teacher and students.²⁹ Although students often challenge the authority of teachers, in general this is confined to older students and more often within the school itself. There are, after all, further codes, ‘be on your best behaviour’, that come into

²⁸ Crew and Sims, “Locating Authenticity” in *Exhibiting Cultures: The Poetics and Politics of Museum Display*, Ivan Karp and Steven Lavine (eds), Washington: Smithsonian Institute, 1991, p. 163.

²⁹ This is, of course, not a fixed relationship. Neither are relationships of power confined to teacher/student. They exist between teachers, teachers and the system, and between students.

play on class outings. This was certainly true, to various degrees, for the students in the Primary Extension Academic Challenge class. Although there had been no instructions as to behaviour, once in the museum the students automatically became focused on the guide and the exhibition in particular ways.

Most obviously, they were seated on the floor facing the guide, who was seated on a chair close to the mural significantly higher and between them and the text. She explained that her function was to introduce the exhibit and to answer any questions that people might have. Yet it was clearly not this simple. The “system of differentiation” ensured that she occupied a position of power and that certain conventions, or codes of politeness, operated that allowed her to deliver an analysis of the mural that (although limited in the knowledges that it offered, and potentially offensive) initially went uncontested by the students and teachers, but was deconstructed later in the classroom. This “system of differentiation” functioned not just at the level teacher/student but also at the level of anthropologist/Aborigine. It was a discourse that was founded on the ‘expert’ anthropological position.

At no point in the guide’s explanation of the painting did she acknowledge that her interpretation was limited to her own cultural background. While this has not been common practice, for many there is considerable precedent for making such an acknowledgement. There may well be several reasons for this lack. Her position was clearly a colonial one. In which case, she regarded her explanation as sufficient. Perhaps she knew nothing of contemporary Aboriginal culture, had rarely spoken with Aboriginal people, listened to or read texts written by them and therefore had only a limited frame of reference. She may take the position that the photos and artefacts are anthropological materials that do not need to be located within their own cultural origins. Or, she may have taken the stance that as a guide/teacher, a position of authority must be maintained. There is little point in speculation however. Whatever the reason for the omission, it affected the knowledges provided and the group’s response to the exhibit.

What was absent from the commentary and display was any frame of reference that invited anticolonial readings of these exhibits. The guide did not encourage the students to analyse what they saw or heard. At no time was there a questioning of the relationship between the ‘traditional’ artefacts and images displayed

and contemporary Aboriginal cultures. This was surprising considering the composition of the group. The implicit assumption was that there is a socially agreed upon reality that simply exists. Non-‘traditional’ Indigenous people are assimilated. They are not ‘real Aborigines’. There was therefore no perceived need to ‘adjust’ the commentary despite the presence of Indigenous students. The guide/teacher has a fixed pedagogic position, a fixed speaking position, a pre-arranged talk about the ‘past’; for her there could be no intervention from the present (however represented). This was one example of the discourse that Hodge and Mishra have defined as Aboriginalism which:

... insists that Aborigines as the Other cannot (be allowed to) represent themselves, cannot even be supposed to know themselves as subjects or objects of discourse. This tactic deprives Aborigines of the possibility of authority, of being authors of their own meanings.³⁰

The guide, painting and exhibit ascribed a series of attributes to the people and cultures they represented in the “Patterns of Life” exhibit in such a way as to define ‘Aboriginality’ as ‘traditional’, ‘scarred’, ‘unclothed’, and so on. Certainly, a distinction was made between ‘real’ or ‘authentic’ Aborigines and those that live in towns. Did the students make connections between themselves or their classmates and the ‘real’ Aborigines they had just learnt about? For me there was certainly a feeling of *deja vu*. I thought of my own failure to make similar connections in Social Studies lessons in Australia in the 1960s.

A view such as the one given to the students is not just uninformed, it is indicative of a capitulation to primitivism, of a belief that ‘real’ Aborigines belong in a time past. “What emerges is a damning indictment of the white man [sic] for his despicable discrimination, his injustice and intolerance, his ignorance and, above all, his failure to recognise the Aboriginal as a fellow human being...” This comment from the back cover of Kevin Gilbert’s *Living Black*³¹ is equally applicable to this moment within the museum. When it is considered that ‘Aborigine’ is a term imposed by the newly Federated states upon the many Indigenous groups living in Australia before the arrival of Cook, to then debate whether people are ‘real’ or not is an act of cultural

³⁰ Bob Hodge and Vijay Mishra, *Dark Side of the Dream. Australian Literature and the Postcolonial Mind*, Sydney: Allen and Unwin, 1990, p. 74.

³¹ Kevin Gilbert, *Living Black*, Ringwood: Penguin, 1986, Back cover.

viciousness.³² Former Aboriginal and Torres Strait Islander Justice Commissioner, Mick Dodson, in his Wentworth Lecture “The end in the beginning: re(de)finding Aboriginality” has the following to say:

... Since their first intrusive gaze, colonising cultures have had a preoccupation with observing, analysing, studying, classifying and labelling Aborigines and Aboriginality...The obsession with distinctions between the offensively named ‘full bloods’ and ‘hybrids’, or ‘real’ and ‘inauthentic’ Aborigines, continues to be imposed on us today.³³

Certainly, to use such potentially offensive terminology in speaking to the students is without doubt to define the Nyoongar students in the group as ‘inauthentic’. What does describing the group of people in the painting as ‘real Aborigines’ say to, and about, those Nyoongar students in the group whom the guide was addressing at that very moment; how were they being named? Equally as important, what right of redress did they have? If Commissioner Dodson is still calling on offensive naming practices to be stopped without, it seems reasonable to say, a great deal of success, what can these students expect?

The guide’s commentary had (and continues to have) institutional authority. It acted as a statement made by the museum. As such it reflects official opinion, assumed to be public opinion. How are the non-Indigenous students, teacher and myself positioned by this commentary? Are ‘we’ assumed to be likeminded? What is ‘our’ relationship then to Aboriginal people? Importantly these questions became part of the group’s later critical work. This work, as I will detail, raised a whole range of significant issues in terms of Australian cultural politics.

4.5 “What [do] art museums say to and about our own culture – what political meanings [do] they produce and how [do] they produce them?”³⁴

Taking the Primary Extension Academic Challenge class to the museum, as the first official activity for the group, served several purposes. It politicised and problematised representations of ‘Aboriginality’. The question, just who is an Aboriginal person, was

³² For further discussion of use of language as a means of defining Aboriginal people, see Eve Mumewa D. Fesl, *Conned*, St Lucia: University of Queensland Press, 1993.

³³ Michael Dodson, The Wentworth Lecture “The end in the beginning: re(de)finding Aboriginality”, *Australian Aboriginal Studies*, Number 1, 1994, p. 3.

³⁴ Duncan, 1991, p. 91.

raised for the students. Can you be ‘half-Aboriginal’? Are official versions of cultural history always true? Students could question institutionalised statements. Most importantly the experience gave students, both Indigenous and non-Indigenous, the opportunity to begin questioning, discussing and redefining their own assumptions about ‘Aboriginality’, their relationships to ‘Aboriginality’ and to each other.

The work expected of the class was difficult. It involved what Foucault has described in his texts as “negative work”. This process involved divesting themselves of concepts such as ‘tradition’, ‘primitive’, and even ‘Aboriginal’ by seeking “below what is manifest”, the colonial bedrock, “the half silent murmur of [colonial] discourses”³⁵ to perform what Marcia Langton describes as an anticolonial critique. Although the students were quite able to take on board deconstruction and anticolonial critique, the practice of applying this process or critique to the guide’s commentary needed to be negotiated. The museum as institution and the guide as teacher were, after all, hierarchies that have been cemented within the school and broader social system in ways that usually protect them from critique.

“Institutional discourses define the classroom, the teacher and the student.”³⁶ Luke and Gore, in the introduction to *Feminisms and Critical Pedagogy*, foreground ways in which students are examined and graded while teachers are not. Teachers determine who speaks, when and within what parameters. They make the further point that “such inscriptions are key in the production of subjectivity, identity and knowledge in pedagogical encounters ... subjectivity, identity and knowledge are the work of schooling.”³⁷ Here “schooling” can be extended to include the teaching of the museum guide.

As stated earlier, there was “a system of differentiation”, of “hierarchical subordination”, operating within the relationship between guide and students. In Foucault’s terms the students had internalised the rules of behaviour governing the classroom; they had “disciplined” themselves, become “docile bodies”.³⁸ In the museum they accorded the guide the status of teacher. The institutional authority of

³⁵ Michel Foucault, *The Archaeology of Knowledge*, (trans) A.M. Sheridan Smith, London: Tavistock, 1972.

³⁶ Luke and Gore, 1992, p. 2.

³⁷ Luke and Gore, 1992, p. 2.

³⁸ For a discussion of Foucault’s notions of ‘discipline’ and ‘docile bodies’, see *Discipline and Punish. The Birth of the Prison* (Trans) Alan Sheridan, New York: Vintage Press, 1979.

the museum reinforced this ascription. One effect of such a positioning was a lack of dialogue, resulting in the guide's representation of 'the Aborigines' in the painting as 'real' going unchallenged. Consequently, the students, including the Indigenous students and the guide 'appear' to be like-minded. The students function as part of the 'public'. The students as 'public' began to deconstruct, however, when they were no longer in the museum.

The homogenisation of the students and the museum act to "privilege and exclude certain kinds of viewing."³⁹ So it is that a non-Indigenous, colonial view is privileged in this instance. In "Progressive Pedagogy" Valerie Walkerdine discusses working-class children in a way that aids understanding of the Primary Extension Academic Challenge class position. She writes:

[m]eanwhile, meanings are struggled over in the classroom. "The child" is created as a sign, to be read and calibrated within the pedagogic discourses regulating the classroom. The child is defined and mapped in its relations of similarity and difference with other signs. ... Through the regulation of this pedagogy children become subjected in the classroom.⁴⁰

In a similar way, the guide read the children in the Primary Extension Academic Challenge class as 'a group of students'. Their differences remained unacknowledged, perhaps even unrecognised. This was consistent with the easy distinction between 'real and inauthentic Aborigines' that informed her framing of the exhibition. For the many other students who have gone to the exhibition and heard the same explanation (but not deconstructed it) there would be "a critical reinstatement and revalorisation of history's "great" [racist] metanarratives."⁴¹

The Museum guide, through her uncritical and non-personal approach, played a significant role in reinforcing and ensuring the perpetuation of the colonial ideology, an official narrative of the museum. Certainly, in this instance the guide maintained a distinction between official narratives and the personal narratives of the students. That the museum is "an amalgam of historical structures and narratives, practices and strategies of display, and the concerns and imperatives of governing ideologies"⁴² was thus elided.

³⁹ Daniel J. Sherman and Irit Rogoff (eds), "Frameworks for Critical Analysis", in *Museum Culture*, London: Routledge, 1994, p. xiii.

⁴⁰ Valerie Walkerdine, "Progressive Pedagogy" in Luke and Gore, 1992, p. 22.

⁴¹ Luke, "Feminist Politics in Radical Pedagogy" in Luke and Gore, 1992, p. 25.

⁴² Sherman and Rogoff, 1994, p. ix.

4.6 Critical Pedagogy

As already stated, the students enjoyed the museum visit. Its purpose was to provide ways of discussing ‘Aboriginality’ and this it did. Many vital issues were raised and the experience of the museum was thus not a totally negative one. It provided a site for both a productive and enabling intervention towards a re-visioning of knowledges, identities and pedagogical relations as these are structured by institutional discourses such as the museum, the guide, in her role as teacher, and anthropology. Students learnt that there is a need to organise our theoretical strategies and practical tactics, speaking and listening to others, in a counter-offensive front. That front can no longer exclude Aboriginal people, either by failure to critique colonial narratives or by an ‘add-on’ approach to matters of practice, both academic and pedagogical.⁴³

However, these outcomes could not have been achieved without the active intervention of a teacher or facilitator. Teachers must be concerned with critical pedagogy. As Luke and Gore argue the task is to enable students to name and give voice to their experience (their subject positions) and then transform and give meaning to those experiences by critically examining the discourses that regulate those experiences. As critical educators “we all attempt to create pedagogical situations which empower students, demystify canonical knowledges, and clarify how relations of domination subordinate subjects marked by gender, ethnicity, race, class, sexuality and many other markers of difference.”⁴⁴ The museum experience made it clear that teachers must provide students with a language of critique with which to demystify and politicise the discursive production of meaning students use to articulate their own experience and, to analyse those institutional discourses applied to and against them.⁴⁵

In this case colonial and stereotypical knowledges were presented to Indigenous and non-Indigenous students uncritically. As already stated, the Nyoongar students were thus ‘inauthenticated’ and non-Indigenous students were included in the guide’s position. A critical and an anticolonial reading of the exhibit requires above all a practical commitment to the political consequences of representation. Langton writes that “anticolonialism requires a rupture and a positive awareness of the way

⁴³ For a discussion of the need to incorporate practice into theoretical work see Luke and Gore 1992, in particular the Introduction to the text.

⁴⁴ Luke and Gore, 1992, p. 1.

⁴⁵ Luke, 1992, p. 35.

colonial representation has shaped, and mis-shaped, reality for coloniser [non-Indigenous students] and colonised [Nyoongar students] alike.”⁴⁶

The task I had set for myself, within the Primary Extension Academic Challenge course, was to have students consider the origins of their perceptions of the ‘other’, including when both they and the ‘other’ were Aboriginal. I hoped to give them an opportunity to re-evaluate these perceptions. One step towards doing this was to “help students discover how they construct cultural meanings and identities within and against the frameworks of mass culture, institutional settings and discourses”.⁴⁷ Hence, a visit to the museum followed by a deconstruction of their responses to it.

Back in their own classroom I very pointedly asked the Nyoongar students who *they* were if the people in the photograph were ‘real Aborigines’. This was the first of a series of questions posed to everyone in the class. It was certainly confronting, and not easily answered. However, it was productive as a means of providing the students with a space and the challenge to articulate their own identities in the light of the ways in which they had been constructed within the museum.

Students responded in many ways. Certainly, they were ‘real’. But, they were not like the people in the photograph, nor did they use any of the tools or artifacts that were on display although they, like some of the other students, had didgeridoos, paintings, carvings and books. All the Nyoongar students came from families where didgeridoos were played by at least some members of their extended family, and one boy’s uncle was a painter. Unlike people depicted in the exhibit, they wore clothes, did not bear any initiation scars and lived in the suburbs.

What is made clear from the students’ experience is that texts such as the museum exhibit need to be considered in a dialectical relationship with their social and historical context. It must be clearly understood that they are produced by and “productive of, particular forms of knowledge, ideologies, power relations, institutions and practices”. The simple example of the class visit to the exhibit illustrates the importance of critiquing anthropological and museumised texts because it demonstrates how systems of colonial domination continue to operate. This critical process “involves an understanding of present circumstances as well as the ways in

⁴⁶ Langton, 1993, p. 5.

⁴⁷ Luke, 1992, p. 27.

which these are informed by, perpetuate and differ from situations which preceded them.” It involves, at the very least, situating exhibits (such as the colonial one we were looking at) in relationships to vital contemporary cultures.

We took as our starting point the questions: what is ‘Aboriginality’ and how is it constructed? Through student introductions there was already an acceptance that ‘Aboriginal’ was a generic term, like European, that did not allow for specific identities. It was, however, a description of Indigenous people, one by which Nyoongar students were identified in school and one with which non-Indigenous students were most familiar.

Narelle, a student who had expressed embarrassment while at the museum, made the point that Aboriginal people are not like those in the photograph and she did not like being thought of in that way. The people and culture were depicted as homogenous and primitive and Narelle and others felt that they were being closely associated with the ‘primitive’. Duncan contends that “if the audience, or some segment thereof, feels alienated, unworthy, or out of place it is because we want them to feel that way.”⁴⁸ Is this so for Narelle? The alienation that is experienced cannot be explained as some simple or deliberate choice on the part of the curator, or the museum to exclude some people from the exhibit. Rather, the point is that ‘colonists’ do not question their assumptions, and colonisation is subtle and ongoing. Narelle’s comment led to a discussion of the class’s apparent acceptance of the guide’s commentary and the obvious misgivings they had about it. As has already been indicated, constraints inherent in the student/teacher relationship⁴⁹, and accepted codes of behaviour for class outings, prohibited dialogue or challenge. It is to be hoped, however, that these students will draw on this experience at various times and use it as a means of asserting their own points-of view and therefore identities and politics.

Throughout the course, we built up a list of the students’ knowledges about Indigenous people and the sources of this knowledge. Social Studies lessons and library assignments were the source of much formal knowledge, and most of this was similar to that gained at the museum. However, some teachers had invited local Indigenous people to speak with students, tell stories, paint, dance and explain other aspects of their culture. The Nyoongar students shared information they received from

⁴⁸ Duncan, 1991, p. 177.

⁴⁹ It should be appreciated that there is a history of even less positive dialogue between Indigenous students and teachers.

grandparents, parents and extended family. Those non-Indigenous students who had Nyoongar students in their classes also had some informal knowledge. After discussion, it was agreed that what they had learnt at the museum and in Social Studies lessons had little in common with their other knowledges. Importantly there was a recognition that knowledge is acquired by listening to and speaking with others as well as from formal lessons.

Understanding the acquisition of knowledge in these terms allows for an appreciation of Langton's argument about 'Aboriginality'. She describes it as:

... a social thing that is remade over and over again in a process of dialogue, imagination, representation and interpretation. Both Aboriginal and non-Aboriginal people create 'Aboriginalities' so that in the infinite array of intercultural experiences, there might be said to be the three broad categories of intersubjectivity.

The first is the experience of the Aboriginal person interacting with other Aboriginal people in social situations located largely within Aboriginal culture. The second is the stereotyping, iconising and mythologising of Aboriginal people by white people who have never had any substantial first-hand contact with Aboriginal people. The third is the construction generated when Aboriginal and non-Aboriginal people engage in actual dialogue, where the individuals test and adapt imagined models of each other to find satisfactory forms of mutual comprehension.⁵⁰

Throughout the course the students became aware of the processes through which 'Aboriginalities' were created including their own involvement in that process. While Indigenous and non-Indigenous students were obviously involved in different ways, they came to recognise that they were participating in an ongoing social process. As such it is postcolonial in Collett's terms, "it is about creating and asserting identity at the same time that it seeks to undermine the generality of stereotype - most often the stereotype nurtured by colonialism."⁵¹ Perhaps, most importantly, they understood that:

... as long as Aboriginal cultures have the role of representing timelessness then the story of their more recent history will tend to be put to one side, or that too will be brought forward as evidence of the continual struggle of an eternally oppressed people; always the same as they were from the beginning.⁵²

⁵⁰ Langton, 1993, p. 81.

⁵¹ Anne Collett, "Perspectives on Home Ground, Foreign Territory" in *Teaching Post-Colonialism and Post-Colonial Literatures*, Anne Collett, Lars Jensen and Anna Rutherford (eds) Denmark: Aarhus University Press, 1997, p. 15. See Chapter Three.

⁵² Krim Benterak, Stephen Muecke, Paddy Roe, *Reading The Country*, Fremantle: Fremantle Arts Centre Press, 1984, p. 126.

4.7 Changing the perspective

For contemporary representations of ‘Aboriginality’ to be available within the museum, Lavine and Karp suggest that a number of things must occur. People and their cultures, which are represented in museums, must have the opportunity to control the *content* and *manner* in which it is exhibited. This process necessarily requires experimentation in exhibition design, a rethinking of the ways in which Indigenous cultures are presented. “The challenge is to devise strategies that do not merely rehearse Western ways of organising experience...”⁵³ Only then will different perspectives and knowledges be offered⁵⁴ and the ‘same old story’ will cease to be told over and over again.

Audiences, both Indigenous and non-Indigenous, view any exhibition with a limited frame of reference. Invariably every reading of an exhibit will therefore be a limited one. When the photographs and artefacts being studied do not belong to the viewer's own culture, or are from one unfamiliar to the viewer, then readings may be even more limited. For the most part, audiences respond in predictable ways. They either “define their experience of the exhibition to fit with their existing categories of knowledge, or they reorganise their categories to fit better with their experience.”⁵⁵ Through the “shock of non-recognition”⁵⁶ of themselves, family, friends and fellow students and teacher guidance (along with discussion about ‘Aboriginality’) it is clear that the Primary Extension Academic Challenge class was able to do the latter.

In the case of the “Patterns of Life” exhibit however, it was not the exhibit or the guide’s commentary that provided the “shock” and therefore the catalyst for critique. For the most part, this exhibit fails to challenge colonial, anthropological or stereotypical knowledges. ‘Aboriginality’ remains a consumable commodity within the Perth Museum. And so, I suggest we are left with Marcia Langton’s question: “Can we ever decolonise Australian institutions? Can we ever decolonise our minds?” Probably not. But we can try to find ways to undermine the colonial hegemony. The museum is one such site of colonial hegemony. I now want to turn to another such site, the Western Australian State legislation from 1848 to 1972, which I read in conjunction with Alice Nannup’s *When the Pelican Laughed*.

⁵³ Lavine and Karp, 1991, p. 7.

⁵⁴ Lavine and Karp, 1991, p. 6.

⁵⁵ Lavine and Karp, 1991, p. 22.

⁵⁶ Lavine and Karp, 1991, p. 22.

Chapter Five

Stories of Western Australia

In this chapter I analyse the ways in which official and personal narratives intersect through a reading of Western Australian State legislation as it relates to Aboriginal peoples. I consider official narratives to be part of what Lyotard identified as “grand narratives, which have the goal of legitimating social and political institutions and practices, laws, ethics, ways of thinking.”¹ And, in many ways I take up the question posed by Lyotard after Auschwitz, “How could the grand narratives of legitimation still have credibility in these circumstances?”² but ask it of Western Australian State legislation as it is applied to Aboriginal people. In responding to Lyotard’s question I draw extensively from Alice Nannup’s life-story *When the Pelican Laughed*;³ extracts from the National Report of the *Royal Commission into Aboriginal Deaths in Custody (RCIADC)*; *Telling Our Stories*; and, *Bringing Them Home*. Each text is also deployed as a way of illustrating the far reaching and ongoing ramifications of this legislation.

It is my intention to provide a brief overview (not a comprehensive analysis) of the significant legislation determining the lives of Aboriginal people in Western Australia from 1848 to the present, and to juxtapose this with the ramifications of this legislation on Alice Nannup’s life. The purpose of this ‘juxtapositioning’ of texts is to “institute new addressees, new addressors, new significations, and new referents for the wrong to find an expression and for the plaintiff to cease being a victim.”⁴ In this instance Alice Nannup and other Aboriginal people testify to the wrongs perpetrated against them while they were divested of the means to argue; this is an example of what Lyotard calls the differend. This chapter is thus largely a retelling, but one that

¹ Jean-Francois Lyotard, *The Postmodern Explained to Children*, Sydney: Power Press, 1986, p. 29.

² Lyotard, 1986, p. 31.

³ There are several other life stories written by Western Australian Indigenous authors that I could have used here. I have a number of personal reasons for working with Alice Nannup’s text. In 1992 after a discussion with Nannup about *When the Pelican Laughed* and the “Postcolonial Fictions” conference that I was co-ordinating, she said “postcolonialism is a fiction but my book is not.” She challenged the theoretical framework in which I was working in a way that was very productive for my future work.

⁴ Jean-Francois Lyotard, *The Differend: Phrases in Dispute*, (trans) Georges Van Den Abbeele, Minneapolis: University of Minnesota Press, 1983, p. 13.

brings together narratives that have been deliberately, and yet artificially, separated. While I am fully aware of the problems associated with the retelling of other people's stories, in this instance it is justified because it allows Alice Nannup's account to highlight the disparity between the state's intentions, according to the legislation, and the ramifications of its implementation.

This comparative reading has potential to demonstrate the ways in which this legislation, as part of the State's official narrative, homogenises and undermines the personal experiences of Aboriginal people by treating them as a unified collective. The homogenisation of people and their experiences has partly occurred because of the imposition of distinctions such as 'full-blood' and 'half-caste' as if these are 'factual, objective and authoritative' categories, subsequent legislation has reinforced these distinctions. Alice's life-story demands that the very personal impacts of this legislation on the lives of individual people be recognised, and foregrounds the political expediency of denying any such recognition. As such, *When the Pelican Laughed* functions as a 'writing back' to the official narratives from one who, however resistant, has been defined by them. The result is a foregrounding of the paradox between the narratives.

Another effect of juxtaposing these two narratives (one official and one personal) is to highlight the contradictions between them, or perhaps more accurately, between the State legislation and its implementation. The main justification for taking children from their families and cultures was that it would enable them to receive an education. An analysis of the legislation and comparison with the education that Alice and others like her received, reveals however, that the State's definition of education was exceedingly narrow. In fact, the education received by most Aboriginal people was consistent only with doing manual or domestic work and it could be argued that 'education' for this kind of work was not a requirement. The State legislation was, in fact, fraught with many such contradictions, as explicated in the 'retelling' of these narratives.

5.1 “Just a minute, I’ve got something to say – and I want you all to listen.”⁵

Alice Nannup wrote *When the Pelican Laughed* in conjunction with Lauren Marsh and Stephen Kinnane, who recorded, transcribed and edited the work with her. The book is the result of Stephen Kinnane’s research into the life of his grandmother, Jessie Argyle, who had met and formed a friendship with Alice in the 1920s. Both women were, at that time, under the care of the Chief Protector of Aborigines.

When the Pelican Laughed is written under the rubric of autobiography, a particularly useful genre for the telling of life stories because it combines the functions of both the historical and literary text. A book marked ‘autobiography’ is usually privileged as being the most accurate and reliable account of a person’s life involving a type of ‘witnessing’ of experience, a validation of a life. The reader is called upon to enter the spirit of the telling, that is to accept that this is a story other people should know about. And, most importantly, the act of public telling is an appeal for the acceptance of its content as ‘truth’. Alice Nannup makes a direct appeal to the reader:

There are things that I’ve told that will make them [her family] sad too, but I had to tell those things because they are the truth, and part of doing this is the hope that all people, young, old, black, white, will read this book and see how life was for people in my time. (p. 217).

The very powerful emotions of empathy, understanding, longing, revulsion and hate, evoked through her choice of events and the mode of telling, give the reader an opportunity to develop a rapport with the writer and thereby develop a relationship with her. This rapport reinforces the ‘truth’ of the text by inviting the reader to align with the writer, not the State. For, in terms of ideology and narrative tactics, both narratives – the personal and the official – comment dialectically upon each other. The personal narrative is valid. I take this to be the point of the early, significant positioning of the “Radio Theatre: Geraldton, 1950” anecdote in which Alice’s confrontation with some of the locals moves into a discourse on colour and blood.

‘You know,’ I said, ‘it’s not fair. We’re all the same, we’re all human beings; we walk, we talk, we eat the same kind of food, we are all just made the same. Colour is skin deep and I think we should all be treated as human beings.’

⁵ Alice Nannup, Lauren Marsh, Stephen Kinnane, *When the Pelican Laughed*, Fremantle: Fremantle Arts Centre Press, 1992, p. 15. Hereafter the page number is provided in the body of the text.

Pearl was standing next to me and I said to them, 'I'll send my daughter next door to the tearooms to get two saucers. Then whoever of you is willing to come up here can be blindfolded. I'll take blood from me and from you, swirl it around in the saucers ... then you come and tell me which is your blood.' (p. 15).

At the end of the dispute, Alice is standing proudly defiant. The telling of the personal narrative further vindicates her stance. Because this book is her narrative, it is the official narrative that is excluded: "Right," I said, "you haven't got anything to say. You can go" (p. 16). The use of autobiography, in this instance, is a very powerful strategy for exposing "the memory of the epistemic violence of colonisation."⁶

Autobiography is a text concerned with providing information about the span of a person's life and as such can be read as history. In *When the Pelican Laughed*, the writer achieves this by drawing on official historical sources for information, including the Australian Institute of Aboriginal and Torres Strait Islander Studies, the Pilbara Aboriginal Centre and the Anthropology Department at the University of Western Australia.⁷ Further, autobiographies usually adhere to a linear chronology and mark out significant periods, a methodology consistent with the writing of history. Nannup's text follows this format and is divided into five sections, a preamble followed by four distinct periods corresponding to her life as a young girl, a young woman, a middle-aged woman and, finally as a grandmother.

Like other life stories written by Indigenous women, *When the Pelican Laughed* is not merely an account of one person's life, but also a history of Western Australia, spanning a period of eighty years. Brewster makes the point that:

a number of Aboriginal women who've written auto/biographical narratives describe their work in terms of an historical project which reconstructs a collective rather than a personal history, and is archival and pedagogic; they also describe it as culturally specific.⁸

This certainly applies to Nannup's text, which is a 'writing back' to the official history of the State, one that highlights the human suffering and tragedy that has marked the establishment of Western Australia. This life-story fills in the gaps left by those

⁶ Ann Brewster, "Towards a genealogy of 'Aboriginal Literature'", Unpublished paper, 1997, p. 4. See also Ann Brewster, *Literary Formations*, Melbourne: Melbourne University Press, 1995.

⁷ Nannup, "Acknowledgements", 1992.

⁸ Brewster, 1997, p. 5.

historic eras such as ‘Protectionism’ and ‘The Growth of the Western Australian Pastoral Industry’, for those who did not experience them. As Ann Brewster suggests:

The writers of auto/biographical narratives perform the function of historians and custodians of knowledge in Aboriginal culture. Their stories record a past which has been elided in official white histories of the nation.⁹

In recording this past, Alice Nannup documents the repressive effects of the 1905 Aborigines Act on the lives of thousands of people, describing how the instigation of legalised child abduction affected the everyday lived experiences of numerous women, men and children in this State. She explains in poignant detail, through an account of her own experience and the experiences of many others the consequences of internment in the Moore River Settlement, including life-long loss of contact with family, identity and independence. Her life-story gives readers the opportunity to know the irony of how some Aboriginal people have experienced living in ‘the lucky country’ this century.

5.2 The production of knowledge

Texts exist in “a dialectical relationship with their social and historical context - produced by but also productive of, particular forms of knowledge, ideologies, power relations, institutions and practices.”¹⁰ For the most part life stories written by Indigenous people in Western Australia expose the colonialist and racist ideologies that have made practices such as the taking of children, and the herding of people onto reserves, possible. It is my contention that the most productive readings of life stories written by Indigenous people in Western Australia are those that are informed by a knowledge of the State’s legislation which controlled the lives of people through the removal of children, the control of marriages and assimilation. Reading *When the Pelican Laughed* is in this way a case in point.

Most non-Indigenous Western Australians have had little direct association with this legislation and it is common to hear people say, “I knew nothing about it.”¹¹ Joy Burns, an eighty-eight-year old woman, has spoken to me about her lack of knowledge of Aboriginal people and the repressive practices that have been imposed

⁹ Brewster, 1997, p. 5.

¹⁰ Patrick Williams and Laura Chrisman (ed), *Colonial Discourse and Postcolonial Theory*, Hertfordshire Harvester Wheatsheaf, 1993, p. 4.

¹¹ Joy Burns, Personal conversation, Fremantle, 2nd August 1996.

on them. Joy and Alice's lives have spanned the same period of Western Australian history. Joy was born in 1909 in Cunderdin, a small wheat belt town approximately four hundred kilometres from Perth. She married a farmer and lived in Cunderdin until 1964 when she was fifty-five. As a child and young woman, she had no experience of Aboriginal people because, "there were none living in the area." In the late 1930s Molly, a young Aboriginal woman, came to work on the farm as a domestic and to help Joy with the children. At that time, Joy believed that Molly had no family and consequently believed that she and her husband, Charlie were actually providing a home for her. Later when Joy learnt that Molly had a family she helped her get back to them, but tragically Molly's mother had passed away. In subsequent years Joy has spent much time educating herself and others about the State legislation that controlled Molly's and other Aboriginal peoples' lives, and has become involved in a local reconciliation group.

Working with State magistrates in 1994, I was dismayed to realise that, similarly, most of them had little or no knowledge of Western Australian legislation pertaining to Aboriginal people. This is alarming particularly in light of the fact that Commissioner Elliott Johnson in the *Royal Commission Into Aboriginal Deaths in Custody* insists that the government regulation of the lives of Aboriginal people, particularly the removal of children from their families and the placement of people on reserves and missions, is directly responsible for the disproportionate number of Indigenous people in the court system, in prisons and, suffering great social disadvantage. (This is discussed more fully in Chapters Six and Seven.) When it is considered that the *RCIADIC* was conducted in the 1990s and that social disadvantage can only be changed through public action, it is vital for non-Indigenous people to know what happened.

Historically, non-Indigenous knowledges of Aboriginal people have been produced through official narratives including State legislation, historical documents and institutions such as the Perth Museum. The commonly held belief that Aboriginal people were dying out is a case in point. This information comes directly from the Chief Protector, A.O. Neville whose views are discussed later in this chapter. Stereotypes, albeit a vulgar form of knowledge, about the differences between people whom the State has designated 'full-blood' and 'half-caste' has a similar history. Relevant statutes reveal that 'half-castes' were initially deemed to be educable and capable of assimilating into the wider society. However, over time this view changed

‘half-castes’ became ‘the problem’; they were re-identified as ‘lazy’, ‘failed to attend school or work’ and were ‘alcoholics’.

Terms such as ‘half-caste’, ‘full-blood’, ‘lazy’, and ‘alcoholic’ form part of what Foucault defines as a discursive formation. Bain Attwood, a cultural theorist, whose work illuminates the operation of power in Aboriginal and white relationships, draws on Foucault’s critique of truth to discuss the ways knowledge of Aboriginal people has been constructed. Attwood reminds us that “objects do not exist prior to knowledge for it is knowledge which creates their ‘truth’ and reality.”¹² Further, “all knowledge is political, it is constructed by relationships of power – of domination and subordination – and is inseparable from these.”¹³ In Western Australia the ‘half-caste’ did not exist until 1874 when the term first appeared in the Game Act. After this time, the term became instrumental in “a system of ordered procedures for the production, regulation, circulation and operation of statements ... [It] is linked in a circular relation with systems of power which produce and sustain it, and to effects of power which it induces and which extend it.”¹⁴ As will be made clear through a reading of both the State’s statutes and Nannup’s text, the term coined by the colonists has become a powerful force in defining identity and determining the lives of the colonised.

Hodge and Mishra provide a valuable discussion of the construction of ‘Aboriginality’ and the relationship between Aboriginal and non-Aboriginal Australians in their book *Dark Side of the Dream*.¹⁵ They make the point that there is a recognisable “discursive regime” that informs our ways of knowing Aboriginal people and have coined the term ‘Aboriginalism’¹⁶ to describe this regime. These writers acknowledge that the naming of this discourse and its tenets derives directly from Edward Said’s Orientalism which:

can be discussed and analysed as the corporate institution for dealing with the Orient – dealing with it by making statements about it, authorising views of it, describing it, teaching it, settling it, ruling over it: in short, Orientalism as a western style for dominating, restructuring and having authority over the Orient.¹⁷

¹² Bain Attwood and John Arnold (eds), “Power, Knowledge and Aborigines”, *Journal of Australian Studies*, No.35, Victoria: La Trobe University Press, 1992, p. 1.

¹³ Attwood and Arnold, 1992, p. 1.

¹⁴ Michel Foucault, “Afterword: The Subject and Power”, in Hubert Dreyfus and Paul Rabinow, *Michel Foucault: Beyond Structuralism and Hermeneutics*, Sussex: Harvester Press, 1982, p.208.

¹⁵ Bob Hodge and Vijay Mishra, *Dark Side of the Dream*, North Sydney: Allen & Unwin, 1990.

¹⁶ Hodge & Mishra, 1990, p. 27.

¹⁷ Edward Said, *Orientalism*, Ringwood: Penguin Australia, 1978, p. 1.

In the same way, there exists a “corporate institution” in Australia, including the state and more recently federal government, for “dealing with” Aboriginal people. An analysis of State legislation highlights the ways in which “making statements about, authorising views of, describing, teaching, settling, ruling over” Aboriginal people has determined their lives and provides the frame or stereotypes from which many Australians have formed their views of Aboriginal peoples and ‘Aboriginality’.

By considering the discourse of ‘Aboriginalism’ including official legislation and the history of subjection of Aboriginal people in Western Australia, it is possible to appreciate Alice Nannup’s account of her life more fully. *When the Pelican Laughed* makes explicit the ways in which non-Indigenous Western Australians are consciously or unconsciously complicit in Aboriginal subjectification and are in many instances advantaged by it. In the process Nannup provides an alternate representation, one that works both within and against colonial representations.

Williams and Chrisman, the editors of *Colonial Discourse and Post-Colonial Theory*, offer important advice about the analysis of texts, particularly those that perpetuate racist and colonial stereotypes and form the basis of knowledges about Indigenous peoples. They write:

... an analysis of the texts of imperialism has a particular urgency, given their implication in far reaching, and continuing systems of domination and economic exploitation. This involves an understanding of present circumstances as well as the ways in which these are informed by, perpetuate and differ from situations which preceded them, and the complex interrelation of history and the present moment provides the terrain on which colonial discourse analysis and postcolonial theory operate.¹⁸

For these theorists, a critique of imperial texts is the first step in “colonial discourse analysis and postcolonial theory”, as it is also the first step for Marcia Langton’s anti-colonial critique. Alice Nannup provides this. It is, in part, through my analysis of Nannup’s life story that my ambivalent relationship with the term ‘postcolonial’ surfaces. And so at the very moment that I recognise *When the Pelican Laughed* as an example of the “terrain on which colonial discourse analysis and postcolonial theory operate” I suggest that it is not adequate for an analysis of relationships between Aboriginal and non-Aboriginal people or Western Australian

¹⁸ Williams and Chrisman, 1993, p. 4.

State legislation. And I am again reminded of Alice Nannup saying to me, “my work is not fiction but perhaps postcolonialism is.”¹⁹ There is however (as Williams and Chrisman point out) an urgency to analyse imperialist texts.

As I have stated, what is often missing for many readers of texts such as *When the Pelican Laughed* is a knowledge of the colonial legislation that determined the lives of, created the ‘truths’ about, represented and thus informed public perception of Indigenous people. An overview of key legislation follows, including the Aboriginal Protection Act 1886; Aborigines Act 1897 (WA); Aborigines Act 1905 (WA); Native Administration Act 1936 (WA); Native Welfare Act 1954 (WA); Native Welfare Act 1963 (WA); and Aboriginal Affairs Planning Authority Act 1972 (WA)²⁰. This is done as a way of framing policies, such as Assimilation and the Removal of Children that are fundamental to the lives of most Aboriginal people in Western Australian and certainly to Alice Nannup and her family. It is also important to consider this legislation, described by Anna Haebich as “the visible face of government policy”²¹, as a way of understanding public opinion, particularly if we accept that the government reflects that opinion. This legislation has been ‘practised’ under the broad categories of protection, tutored assimilation, segregation and biological absorption. The following section weaves together official and personal narratives together to demonstrate the interplay between them. It foregrounds the lack of a dialectical relationship between legislation and its affects on people.

5.3 “For their own good”

While England, the State and then the Commonwealth were regulating the lives of Aboriginal people, to the point of determining who was Aboriginal, public ‘knowledge’ about Aborigines was being constructed. This knowledge paralleled government regulation. Aboriginal people were constructed as ‘primitive’, ‘uneducated’, ‘without law or religion’, ‘promiscuous’, ‘unfit parents’, and ‘needing to be constrained.’ Legislation – “not merely the products of the irrational prejudices

¹⁹ See Chapter Three for a discussion of Nannup’s response to postcolonialism.

²⁰ For a detailed description of the effects of this legislation on the lives of Aboriginal people, especially in the south-west of Western Australia see Anna Haebich 1993. See also *Aboriginal Legal Service, After the Removal A Submission by the Aboriginal Legal Service of Western Australia (Inc) to the National Inquiry into Separation of Aboriginal and Torres Strait Islander Children from their Families*, Prepared by Tony Buti, Perth: Aboriginal Legal Service, 1996. for a description of the way these policies were used to sanction the removal of children from their families.

²¹ Haebich, 1990, p. 1.

of individuals”²² – and, public opinion correlated to the objectification, subjugation and construction of Aboriginal identity. In their discussion of Aboriginal peoples’ contemporary relationship to power and law Bottomley et al in *Law in Context* suggest that there is an interrelationship between Aboriginal identity and powerlessness. They cite Pettman who writes of powerlessness that it:

... means, among other things, having others say who you are, with the naming usually counting against you. Aborigines have been largely rendered invisible and Aboriginal rights have been effectively denied throughout much of white Australian history. Who is “really” Aboriginal, and what flows from that, has been laid down by governments, policemen, local officials and, more recently anthropologists. Many Australians still make a distinction between “real” Aborigines (usually presumed tribal/traditional/“full-blood”) and “part” and/or urban Aborigines – despite the discrediting of genetic determinism, and the fact that many “urban” Aborigines know and have close links with country and kin. Such distinctions are not only personally and socially offensive and hurtful; they also have powerful political functions in challenging many Aborigines’ rights to speak for, or even about, Aboriginal claims.²³

A close consideration of State legislation since 1841, much of which has been directed at Aboriginal people, provides an explanation for the powerlessness that Pettman describes. In fact, according to many sources, Aboriginal people are the most legislated for group of people in Australia.²⁴ Aboriginal people were first mentioned in the Western Australian statutes in 1841 for establishing a legal prison on Rottnest Island for:

Aborigines sentenced to transportation, imprisonment or committed for trial or any other form of custody, there to be instructed in “useful knowledge” and “trained in the habits of civilised life.”²⁵

Given that the first legislation specifically dealing with Aboriginal people related to the establishment of a prison for them, is it any wonder that in the 1990s there are a disproportionate number of Aboriginal people in prison? The use of the term ‘Aborigines’ in this statute, and the later introduction of the term ‘half-caste’, indicate an official denial of the distinct groups – Yinjibarndi, Ngulama, Bunjima, Nyoongar –

²² Stephen Bottomley, Neil Gunningham, Stephen Parker, *Law in Context*, Leichhardt: Federation Press, 1991, p. 285.

²³ J. Pettman, “Learning About Power and Powerlessness: Aborigines and White Australia’s Bicentenary”, *Race and Class* 69, 1988, pp. 75-76, cited in Bottomley, 1991, p. 285.

²⁴ There are also many Federal Government Statutes regarding Aboriginal people.

²⁵ Haebich, 1990, p. 4.

who lived in what became the State of Western Australia. Colin Tatz in his article on the relationship of Aboriginal people to the civil law makes the point that:

Legislation created a whole computation of status (what I call ‘the arithmetic of colour’) when it defined octroons, quadroons, half-castes, full-bloods. Based on a mis-guided biological spectrum of ‘blood content’, law determined the degree and extent of rights on a scale where lightness was congruent with civilisation and darkness with savagery. For the general public such laws set the tone, the flavour, the image of Aborigines as held by White authority. In these senses law gives legitimacy to prejudice, creates notions of difference and inferiority in the minds of an adult public, and ordains and perpetuates racism.²⁶

It is in the Game Act of 1874 that the term “half-castes” is mentioned for the first time.

‘Aboriginal natives’ and ‘half-castes’ are exempted from restrictions on killing game if for their own subsistence.²⁷

Since 1874 the proportional terms ‘part-/quarter-/full-blood’²⁸ (normally only used to describe animals) have been applied to Aborigines as a means of designating the amount of ‘white blood’ in an Aboriginal child and thereby marking the child as superior to ‘full-blood’ Aborigines. The belief in ‘white’ superiority was historically employed to legitimise the taking of Aboriginal children from their parents, on the pretence of providing them with an education that would be beneficial to themselves and their families. The detrimental effects of this policy and the resultant cruelty inflicted on Aboriginal children have been extensively documented in the *Stolen Generations* and *Bringing Them Home* reports, excerpts of which are included in this discussion. It is ironic to note though, that since the 1970s it is ‘full-blood’ Aborigines who seem to be more highly regarded. Could it be that as ‘full-blood’ they remain the exotic ‘other’, the ‘noble savage’ or are objectified²⁹ while those people designated as ‘half-castes’ are vilified for ‘ripping off the system’ through claims to Aboriginality?

The Aborigines Protection Act of 1886, enacted in England, instituted the Aborigines Protection Board, which was responsible for the welfare of all Australian

²⁶ Colin Tatz, “Aborigines and civil law”, in *Aborigines and the Law*, Peter Hanks and Bryan Keon-Cohen, Sydney: Allen & Unwin, 1984, p. 111.

²⁷ Haebich, 1990, p. 5.

²⁸ For a full discussion of the use of these terms see Eve Fesl, *Conned*, St Lucia: University of Queensland Press, 1993.

²⁹ It is only necessary to glance through tourist brochures to understand that Aboriginal people are part of the ‘attraction’ in some areas of the country.

‘Aborigines’. Through this Act the Board was required to “exercise a general supervision and care over all matters affecting the interests and welfare of the Aborigines, and to protect them against ill-treatment, imposition and fraud.”³⁰ While the legislation clearly stipulates that proper care and protection is to be afforded to Aboriginal people, there are numerous reports of ill-treatment at the hands of the ‘Protector’ and, or his subordinates. Just one example from many in *When the Pelican Laughed* is enough to illustrate the type of *protection* people received:

Then they took Norman down to the shed, stripped him and tarred and feathered him. The trackers bought him up to the compound and paraded him around to show everybody. He was covered in feathers and all you could see were his eyes. (75)

This occurred because of Norman and his girlfriend, Linda, attempting to leave the Moore River Settlement in order to be married.

The Constitution Act of 1889 was also pivotal to the ‘protection’ of Aboriginal people because it stipulated that:

The Colonial Office is to retain control over Aboriginal Affairs; a minimum of £5,000 (\$10,000) or 1% of the colonial gross revenue, whichever was greater, to be granted annually for Aborigines in Western Australia.

Repealed 5/1897. Repeal subsequently deemed invalid. Repeal legislated for retrospectively in 14/1905.³¹

Again, the legislation is clear: adequate funds for the care of Aboriginal people were to be available. There was no provision for reducing or deleting this expenditure and hence no justification for the poor conditions that were endured. In 1897, the power to legislate for Aboriginal people was transferred to the Western Australian government. In principle, eliminating the spatial gap between where legislation was enacted and where it was practised should have facilitated the ‘proper care’ of Aboriginal people. The result was quite the opposite.

John Princep, the first Chief Protector of Aborigines in Western Australia, believed in the separation of Aboriginal people from the wider society. In 1901, he addressed the State parliament about his concern with the growing number of “half-

³⁰ Buti, 1996, p. 16.

³¹ Haebich, 1990, p. 10.

castes” saying, “It is our duty not to allow these children, whose blood is half-British, to grow up as vagrants and outcasts, as their mothers are now.”³² Princep wanted the powers of the Chief Protector to include the right to remove any Aboriginal child from its mother.

Princep’s inhumane views were not isolated, as was borne out by the 1904 Roth Royal Commission into the administration of the Aborigines Department and the subsequent treatment and conditions of the Aboriginal population. The Commission found in favour of Princep’s views recommending that the Chief Protector be made legal guardian of all Aboriginal children under the age of 18. The motivation for this is given to be that:

There is a large number of absolutely worthless blacks and halfcastes about who grow up to lives of prostitution and idleness; they are a perfect nuisance; if they were taken away young from their surroundings of temptation much good might be done with them.³³

Parliamentary discussion of the Commission’s findings includes the suggestion that while “it may appear to be a cruel thing to tear away an Aborigine from its mother it is in some cases necessary to be cruel to be kind.”³⁴

Just a year later the 1905 Aborigines Act was enacted to govern the lives of all:

Aborigines of the full descent (referred to as ‘Aboriginal natives’); ‘half-castes’ (defined as persons with an Aboriginal parent on either side or children of such persons) who lived with an Aboriginal as wife or husband; other ‘half-castes who lived or regularly associated with ‘Aboriginal natives’; and ‘half-caste children under the age of sixteen, irrespective of how they lived. A special clause allowed for Aborigines of a “suitable degree of civilisation” to apply for exemption from the provisions of the Act.³⁵

According to Haebich the 1905 Act “set up the necessary bureaucratic and legal mechanisms to control all Aboriginal contacts with the wider community, to enforce the assimilation of Aboriginal children and to determine the most personal aspects of Aboriginal lives.”³⁶ It “established the Chief Protector as the legal guardian

³² Peter Biscup, *Not Slaves, Not Citizens*, St Lucia: University of Queensland Press, 1973, p. 142, cited in Buti, 1996, p. 25.

³³ Biscup, 1973, p. 142, cited in Buti, 1996, p. 25.

³⁴ Hansard, Western Australian Parliament, Perth, Vol. 25, 1904, p. 588, cited in Aboriginal Legal Service, 1996, p. 25.

³⁵ Haebich, 1990, p. 14.

³⁶ Haebich, 1988, p. 84.

of ‘every aboriginal and half-caste child’ to the age of 16 years.” The key provisions of the Act included giving the Minister of Aboriginal Affairs the power to move ‘aboriginals’ from one district or reserve to another; regulate marriage between ‘aboriginal’ women and non-Aboriginal men; exempt ‘aboriginals’ from the Act and revoke exemptions; regulate ‘care, custody and education of aboriginal children and half-castes’; send ‘aboriginal and half-caste children to an aboriginal institution, industrial school or orphanage’.³⁷ In response to this legislation one parliamentarian cautioned people not to be upset by the decision because the mothers of the ‘half-castes’ would “forget all about it in 24 hours, and ... is glad to get rid of it ...”.³⁸

This parliamentarian could do well to have been there the night the Bunjima woman knocked on our door in Wickham and needed a place to stay until the man who was hitting her fell asleep.³⁹ Her willingness to continuously endure being beaten is a direct consequence of the 1905 Act. For not only did mothers not “forget all about it in 24 hours” they and their children suffered in indescribable ways and they told and retold their stories of loss. This woman’s choice to stay with a man who beat her because he was the father of her child, and because she believed he had the legal right to the child, are based on her awareness of the accounts of the experiences of mothers whose children were taken from them. They form the basis for her understanding of her rights as a mother in the 1990s. Although it can be argued that legislation and laws have changed, and that the taking of Aboriginal children no longer occurs, in effect it continues. The white miner, in threatening to take the child, relies on her mother having limited knowledge (in this case the knowledge of abduction) but no knowledge of her real ‘rights’ as a mother post 1967.

In 1909 and 1911 guardianship powers were extended to give the Chief Protector power of removal “to the exclusion of the rights of the mother of an illegitimate or half-caste child.”⁴⁰ It was in 1911 that Alice Nannup was born on Abydos station just out from Port Hedland in the Pilbara region of Western Australia. Alice’s mother was a member of the Yindjibarndi tribe⁴¹ and her father was Tom

³⁷ Aboriginal Legal Service of Western Australia (ed), *Bringing Them Home*, Perth: Aboriginal Legal Service of Western Australia (Inc). The Report Appendix 5 Western Australia, 1997.

³⁸ Hansard, 1996, p. 25.

³⁹ See my Introduction for a more detailed account of this incident.

⁴⁰ Aborigines Act Amendment Act 1911 (Western Australia), Section 3.

⁴¹ Although there are many people, including Eve Fesl, Koorie author of *Conned*, who regard tribe as a derogatory word this is not so for the Injibandi people. Ngurra Wangkamagayi, the cultural

Bassett, an Englishman and small station owner in the area. Because she was born after the 1905 and 1911 Acts, which gave guardianship “of ‘every aboriginal and half-caste child’ to the age of 16 years”⁴² to the Chief Protector of Aborigines, Alice was automatically a ward of the state.

Alice introduces the reader to her experience of living under this ‘protection’ by recounting experiences of her own cultural deprivation and abduction. She begins by asserting that undermining of her Yijibarni language and culture began even before being removed, as was reflected in the need for people to take on a European name and using the term ‘Aborigine’:

My mother’s name was Ngulyi, that’s her Aborigine name, and her European name was Dot. That’s like me, my Mulba name is Wari, and I’ve got a European name too. (18)

In a recent native title claimant’s meeting in Roebourne, one of the elders voiced her objection to the use of ‘Aboriginal’ rather than Yijibarni, by people working for the claimants. Through a very surprising interjection the point was made that ‘Aboriginal’ is an imposition, one that is not appropriate. ‘Aboriginal’ is however the most commonly used name for Indigenous peoples and as a result of its use there is a lack of knowledge of tribal names by most of the population, including many Indigenous people. It also applies to the Indigenous people of any country - therefore giving Aboriginal people even less identity.

As Said’s work on Orientalism reminds us, there is a great deal of power invested in the act of naming. When Indigenous people take on European names, not of their own accord, they are being subjected and regulated, just as they are when they are mis-identified by people who have been educated ‘not to know’ the correct tribal names or by those who have disallowed Aboriginal peoples use of their paternal name. It is part of the discursive regime of Aboriginalism of which Hodge and Mishra write. On her arrival at Moore River Settlement Alice was asked her name and where she had come from by the Superintendent, a man named Brodie. She writes:

awareness training group in Roebourne, largely consisting of Yijibarni people, speak of tribes in preference to language groups or clans. As this is consistent with many other groups in Western Australia it is the practice that I will follow here.

⁴² Haebich, 1990, p. 14.

Anyway, this questioning went on for a while, and then they let us go. But afterwards they always called me Cassit. Matron would be coming along and she'd say, 'Cassit! Cassit! Cassit! don't you go past when I call you.' I'd look at her and I'd say 'I'm not Cassit I'm Bassett,' but she'd never call me by my proper name. (62)

Alice realised that the Superintendent had been a policeman at Roebourne and did not like her having her father's name; for he was after all, a station owner and well-known in the region. This of course works both ways; there were Aboriginal people who do not take on the names of 'rightful'⁴³ fathers because they do not want to be associated with them.

In 1915 Auber Octavius Neville became Protector of Aborigines in Western Australia. Like Princep before him he too believed in a segregationist policy, one that relied on 'half-castes' being assimilated into white society through education and 'full-bloods' dying "out as quickly as possible."⁴⁴ In keeping with this agenda Alice was removed from her family by the department of Aboriginal Affairs at the age of twelve:

It was when we were back on Mallina that the scouts started to come around. They were sent up from the Aboriginal Affairs in Perth to come and look for the half-caste kids ... Then this one time...the Aboriginal Affairs man ended up staying the night...and that must have been when they made all the arrangements...they told them (mother, aunt) they were going to take us down South to educate us (p.39).

It was promised she would be educated and returned home when she was eighteen. The irony is as Alice points out that:

[m]y mother spoke five languages, as well as English—Nyamal, Palyku, Kariyarra, Ngarluma and Yindjibarndi. I spoke Kariyarra and Ngarluma the most, and, of course, English (p. 20).

One cannot help but be aware that in 'white' Australian society speaking two languages is considered a mark of 'good' education yet an Yindjibarndi woman speaking six languages was 'uneducated'. Further, Alice in fact received little formal education as her account of life at Moore River illustrates. She recalls the time that A.O. Neville, then Protector of Aborigines, went to the Settlement and she overheard him saying "... it's all right as long as they can write their name and count money ...

⁴³ 'Rightful' is a term used in Roebourne to describe the biological father of a child, usually a white station owner.

⁴⁴ Haebich, 1988, p. 150.

that's all the education they need.” (71) She only ever finished the first three grades at school while for the most part she did chores and looked after the infants.

Alice's experience is consistent with those of many other people as reports including *Telling Our Stories*, the personal accounts of Aboriginal children who were removed from family and community reveal. Elizabeth, born in 1933, and 'taken away' at age 13 reports:

The authorities said I was removed from my parents so I could receive an education but the fact is the nuns never gave me that education. I didn't receive an education. I was very neglected.⁴⁵

The Aboriginal Legal Service found that lack of education was a consistent complaint by many of the 'stolen children' whose experiences they recorded in *Telling Our Stories* and *Bringing Them Home*. Where children had been sent to a mission the main educational focus was religion while on State reserves it was work ethic and the skills required to perform either labouring jobs such as fencing, clearing land or repairing windmills for boys, or domestic work for girls. Such skills, it could be argued, would have been better learnt by traditional methods, described by John Heath in a paper on the value of traditional ways of learning in contemporary contexts:

In our traditional ways children are taught, from the earliest ages, of the need to be observant and to listen. The processes of tracking, hunting, fishing, obtaining water ... all depend on such learned behaviour. ... Observation and listening is essential and this continues throughout the learning years.⁴⁶

As the work Aboriginal people were required to do was physical and relied largely on several specific skills, usually learnt by observation, traditional Aboriginal teaching would certainly have been appropriate. That this method was not officially advocated, but would have been used when people arrived at the farms to work, reinforces the contention that education was merely a justification for the destruction of Indigenous culture, borne out by the fact that opportunities to learn any Indigenous culture or to experience traditional ways of learning were not available. From the experience of Joy Burns, related earlier, it is also important to consider that there were

⁴⁵ Aboriginal Legal Service of Western Australia (Inc) (ed), *Telling Our Story*, Perth: Aboriginal Legal Service of Western Australia (Inc), 1995, p. 49.

⁴⁶ John Heath, "Traditional Aboriginal Teaching and Learning Styles and Their Appropriateness to Contemporary Learning" in *Contemporary Issues in Aboriginal and Torres Strait Islander Studies*, Bob Morgan, James Lukabyo, Barry Wright (eds), Sydney: University of Technology, 1997, p. 277.

many well-meaning people, it was the ‘nicest’ people, with social consciences who employed Aboriginal people and others who adopted children.

While it is difficult to imagine that using education as a pretence for removing children could be maintained for a long period of time, it continued in fact under the Assimilation policy of 1954. Under this policy children could be taken from their parents if they were not deemed to be receiving an appropriate education, with ‘appropriate’ being defined by the State. Even in the 1990s education is being used as a means of regulating the lives of Indigenous people as illustrated by a conversation with Wendy, a Bunjima woman living at Noorawanna, a settlement at Jindawurru (Millstream National Park), approximately 200 kilometres from Roebourne.⁴⁷

Wendy’s seven-year-old son Lawrence had been studying through the State’s School of the Air programme. When he failed to complete work and Wendy was asked to account for this she expressed her concerns about her son doing the ‘Bears in Bikini’s’ series, a reading program that relies on children associating images, such as bears wearing bikinis, with letters of the alphabet as a way of triggering word recognition. The images were to be coloured in, cut out and pasted into a workbook as each one was learnt. Both the content of the series and the process were far removed from Lawrence’s life. Neither he nor his mother saw the value of completing the exercise. After a visit from an Education Department School of the Air teacher, Wendy was told that by not completing the programme her son was being denied the right to a good education and therefore, if he did not complete and submit work action would be taken. A month later the seven-year-old boy was ordered to leave his home and parents, live in Roebourne and attend the local primary school. Clearly interventionist policies have not changed significantly and neither has the State’s definition of ‘appropriate’ education.

While legislation regarding ‘half-castes’ was supposedly designed to improve their conditions, raise them above the status of the ‘full-bloods’ and allow them a productive place in society there were many contradictions. In Alice’s case for instance, her father, Tom Bassett, was unable to keep her even though he had given her his name, was a station owner and was prepared to provide for her and her mother. After she was taken from Mallina her father made a trip to Perth to maintain contact

⁴⁷ Hubert Wendy, Personal conversation, Noorawanna, April 1996.

with her. However, after taking her out just once, Neville – as her legal guardian – forbade him to see her. Towards the end of her life Alice said:

I think it is the one main thing I'm bitter about today, depriving me of my father. It just makes no sense. They wanted me to have white peoples' ways, yet they denied me my father. How does that make any sense? (51)

A further contradiction between the actual legislation and its implementation is highlighted through Alice's account of being defrauded of an inheritance from her father by the Chief Protector of Aborigines. When Tom Bassett died, he left Alice four hundred pounds which would have benefited her and her children. It was automatically passed on to the Department of Aboriginal Affairs however, and she was not even officially notified about it:

...if Aboriginal people received an inheritance, any money left to them became the property of the Aborigines department. I don't understand that, we are all human beings, we should have been entitled to it. I could have really used that money my father left me, and it would have made the world of difference to my family (p. 179).

5.4 Reserving their rights

It was Neville who instituted the system of reserves in the State as a means of centralising authority over Aboriginal people. According to Neville, Aborigines would “settle down to a new life of peace, contentment and usefulness.”⁴⁸ The reality however, was quite different. At the Moore River Settlement, for instance:

Aborigines from all over the State were inappropriately grouped together; the young and single were isolated in a compound from the main camp where families lived; children removed from their parents had names and birth dates arbitrarily given on arrival; parents trying to see or have their children returned were rejected, while children were told parents had lost interest in them; and absconding girls and other offenders were flogged with a cane if under sixteen; if over that age they were imprisoned for up to a fortnight in the ‘boob’ - a windowless tin shed topped with barbed wire.⁴⁹

Alice Nannup, like many thousands of Aboriginal people, was sent to the Moore River Settlement, approximately six hundred kilometres north of Perth. The

⁴⁸ Geoffrey Bolton, “Black and White After 1897”, in *A New History of Western Australia*, CT Stannage (ed), Nedlands: University of Western Australia Press, 1982, p. 138.

⁴⁹ Aboriginal Legal Service of Western Australia (Inc) (ed), 1995, p. 15.

settlement was split into two main parts, the compound where all the kids and older girls were, and the camps, where all the married people and old people had to live.

The compound was set up just like a little town. At the bottom of the main street was the Big House – that's the superintendent's quarters – and this faced the church which was at the top end of the street. In between, on either side, were all the other buildings, like the dormitories, dining room, sewing room, bakehouse and staff quarters. It was built up on a ridge, and down on the flats near the river were the camps where all the campies built their little places. (62-63)

Within the settlement people lived highly regulated lives that were controlled by the superintendent and staff; times were allocated for meals, exercise and sleeping, as in any prison. Brothers and sisters, children and parents were separated from each other, unable to have even the comfort of family. Black trackers who had been brought down from the north policed the settlement, making sure anyone who tried to escape was brought back. Anyone caught breaking the rules was severely mistreated, as Nannup illustrates:

Lots of girls got a thrashing but I never did. They used to take them down to the storeroom and the superintendent would belt them until they weed all over the floor. They never spared them, and in the afternoons I'd have to go down with a mop and mop it up. (74)

Not all Aboriginal people experienced reserves in the same way, because not all were operated as prisons. Roebourne Reserve is a case in point. The Injibarndi, Ngaluma and Gurrama people from Roebourne and the surrounding areas, including Jindawurru (Millstream National Park) were progressively removed from their lands to the town reserve between the early 1900s and the 1940s. Later, Bunjima people, from the Tom Price area were moved there too. In the reserve there are three tamarisk trees which mark each group's tribal area. Unlike at the Moore River Settlement, there were no white overseers who determined where or how people lived. The elders were therefore able to maintain tribal groupings and the skin system, which in turn determined marriage partners and respect within the group. Trevor Solomon, an Ngaluma/Injibarndi person explains:

I grew up in the old reserve ... In my younger days, on the reserve was really good, we didn't see much of people drinking like you do now. It was a time of knowing who you were and that you belong to a certain group

of people. We lived in harmony with each other always carrying our law ceremonies the right way and our elders was well respected by all people.⁵⁰

In 1975 the government closed the reserve and moved all the people to a newly built village near the cemetery. In the village there was no demarcation between the groups. This meant that sons-in-law and mothers-in-law who should never speak to each other often had to live in the same house or close by. Children were then able to play with whoever they liked which eventually led to non-straight marriages and a weakening of the respect system. This has caused a great deal of pain to the elders who today work very hard at reinforcing and maintaining this important system. It is not just the elders though who are nostalgic for the reserve, but also the children who grew up on it and had the security afforded by tribal groupings. It is ironic however that any people should regard life on a reserve, where they have not chosen to live and where conditions were poor, as providing a better quality of life than that which they currently have in the town.

The Native Administration Act of 1936 was enacted to significantly amend the 1905 Aborigines Act. While it might have been expected that more autonomy would be granted to Aboriginal people at this time, quite the opposite was the case, for the legislation conferred even greater powers on the Commissioner of Native Affairs (previously Chief Protector of Aborigines) by increasing his control over peoples' daily lives. The parameters determining who came under the Act were broadened to include:

all such persons to be deemed 'natives' ... virtually all persons of Aboriginal descent with the exception of 'quadroons' over the age of 21, unless classed as 'native' by special magisterial order, and persons of less than 'quadroon' descent born before 31 January 1936.⁵¹

The Act extended state control over children so that the Commissioner became the guardian of every native child under the age of 21. It also gave him the power to "authorise any person to medically examine a 'native'. ... Any sexual contact between Aborigines and non-Aborigines became an offence. And, "a miscellaneous

⁵⁰ Trevor Solomon, *Ngurra Wangkamagayi Cultural Awareness Course Manual*, Iremugadu: Minurmarghali Mia, 1997, p. 55.

⁵¹ Haebich, 1990, p. 16.

category enabled the Commissioner to “intervene to stop any traditional Aboriginal practices (for example initiation, child betrothal).”⁵²

Advocates of the right of the Commissioner to intervene in cultural practices such as initiation may well have regarded it as their Christian duty to put an end to ‘acts of barbarism’. However, when initiation practices are seen to be barbaric but the medical examination of a ‘native’ by any person is authorised then this is a travesty. That this intrusion into, and denial of cultural autonomy, is a ‘miscellaneous’ item is a powerful comment on ‘white’ superiority and ‘primitivism’ as is the photograph and commentary about the women’s body scars in the Perth Museum’s “Patterns of Life” exhibition, discussed in Chapter Four.

Tony Buti in “After the Removal”⁵³ states that while there may be some who claim that ‘protectionist’ policies, particularly the right to intervene in ‘inhumane’ cultural practices, were implemented out of concern for the welfare of Aboriginal children insists this was simply not so. He submits “that there is little doubt that the systematic removal of Aboriginal children from their families and culture was driven by the government’s obsession with control of Aborigines ... The emphasis was on the assimilation of the “half-caste” Aboriginal children into the mainstream.”⁵⁴ This is borne out by what the Chief Protector of Aborigines, Neville, had to say about ‘half-caste’ children at the initial conference of the Commonwealth of State Aboriginal Authorities held in Canberra in April, 1937:

The opinion held by Western Australian authorities is that the problem of the native race, including half-castes, should be dealt with in a long range plan. We should ask ourselves what will be the position, say, 50 years hence; it is not so much the position today that has to be considered. Western Australia has gone further in the development of such a long range policy than any other State, by accepting the view that ultimately the natives must be absorbed into the white population of Australia. That is the principal objective of legislation which was passed by the Parliament of Western Australia in its last session. I followed closely the debates which accompanied the passage of that measure, and although some divergence was, at time, displayed, most members expressed the view that sooner or later the native and the white population of Australia must become merged. The Western Australian law to which I have referred is

⁵² Haebich, 1990, p. 16. In the 1990’s Indigenous people have to justify their rights to land when they have not maintained cultural practices.

⁵³ Aboriginal Legal Service of Western Australia, 1997.

⁵⁴ Aboriginal Legal Service of Western Australia, 1997, p. 8.

based on the presumption that the Aborigines of Australia sprang from the same stock as we did ourselves; that is to say, they are not negroid, but give evidence of Caucasian origin.

If the coloured people [“half-castes”] of this country are to be absorbed into the general community they must be thoroughly fit and educated at least to the extent of the three R’s. If they can read, write and count, and know what wages they should get, and how to enter into an agreement with an employer, that is all that should be necessary. Once that is accomplished there is no reason in the world why these coloured people should not be absorbed into the community. To achieve this end, however, we must have charge of the children at age six years; it is useless to wait until they are twelve or thirteen years of age. In Western Australia we have power under the Act to take away any child from its mother at any stage of its life, no matter whether the mother be legally married or not.⁵⁵

Neville was an exceedingly ambitious man with his own ‘master plan’ of ‘absorption’ as reflected in this address. It is important to note, however, that not everyone agreed with him or his way of ‘managing’ the Aboriginal ‘problem’. There was considerable animosity, for instance, between him and staff in Aboriginal Affairs. Certainly one cause of this was the lack of monies available for the provision of care to people under his jurisdiction. In “1935 Western Australia spent only £1 10s 2d per head on Aborigines”.⁵⁶ This was half that spent in Queensland and a third or quarter of that spent in other states, yet only one percent of the State’s colonial gross revenue was designated for this purpose. Relationships between himself and the Police and Health Departments were also poor, resulting in members of the Health Department refusing to treat sick or injured Aborigines.⁵⁷ There was also public comment about the inappropriateness of removing children, refusing to allow people to marry who they wanted, and other issues that were ignored.

In my opinion Neville’s lack of any genuine concern for Aboriginal people is also evident in his control of their wages, effectively denying them adult status. Independent adults working full time were only paid half of their wages, the remainder went to the Department of Aboriginal Affairs and could only be accessed upon approval of the Chief Protector if it was deemed to be for a suitable purpose. Neville’s ‘welfare’ mentality was imposed upon people and became one of the most insidious forms of control, one that still operates effectively. The Department also had the power

⁵⁵ Aboriginal Legal Service of Western Australia, 1997, pp. 8-9.

⁵⁶ Haebich, 1988, p. 259.

⁵⁷ Haebich, 1988, p. 261.

to stop payment of monies such as child endowment if it believed that the money was not being correctly spent. On one occasion Alice was stopped in the street by an Aboriginal Affairs man and warned that this could well happen to her. There was, of course, much more at stake than merely the loss of money. As Alice states:

They could just stop you anytime, anywhere, and ask whatever personal questions they liked. Someone might write a letter just to be nasty or something, and they wouldn't stop and think about what they knew of you ... Getting a bad report about you was something to worry about, in case they got it into their heads to take your children away from you. (188)

5.5 The 'rights' of the citizen

From 1944, an Aboriginal person could be granted citizenship if s/he could prove to a magistrate that all ties with family (with the exception of parents, siblings and children) and friends had been severed; was not diseased; and was industrious.⁵⁸ Clearly this was another step toward assimilation. People wanting to improve conditions for their families, or fearful of having children removed in some instances, saw application for citizenship as a way to do this. The consequences of this 'choice' are documented in auto/biographies such as Sally Morgan's *My Place*. Ramifications, including community rejection and disapproval, dislocation from culture and identity are still having to be dealt with today, often by people working to renew those previously severed cultural and familial ties.

From 1944 to 1951 Paul Hasluck, Federal Minister of Territories, worked to achieve consensus between the States for the implementation of an assimilation policy. In 1951 he achieved his aim, under the terms of this policy all Aboriginal people were to:

... attain the same manner of living as other Australians, enjoying the same rights and privileges, accepting the same responsibilities, observing the same customs and being influenced by the same beliefs, hopes and loyalties.⁵⁹

While much of the rhetoric promoting this policy suggested that it would ensure a more equitable life for Aboriginal people, it in fact introduced other forms of control. Assimilation meant that if children were not attending school, being 'adequately' dressed, or were deemed to be in poor health, they could be regarded as neglected and consequently taken from their parents. Glenyse Ward, author of

⁵⁸ Aboriginal Legal Service of Western Australia, 1997, pp. 8-9.

⁵⁹ L. Lippman, *Generations of Resistance*, Sydney: Longman Chesire, 1981, p. 38.

Wandering Girl discussed in Chapter Seven, was removed from her mother, for instance, because she had an ear infection. According to the *Royal Commission into Aboriginal Deaths in Custody* the legislation was deliberately used to do this:

If parents failed in the eyes of the State, they lost the right to see their children and to play the parenting role with them. Those implementing the policy told Aboriginal mothers to blame themselves. Anxiety, depression, confusion and most of all anger and despair resulted; as much as the mothers or fathers as for the children taken away.⁶⁰

The Royal Commission's findings are a sharp contrast to the belief that mothers would "forget all about it [the removal of their children] in 24 hours" and be "glad to get rid of it".⁶¹

A significant outcome of the *Bringing Them Home* and related reports has been a discussion of the assimilation policies as an act of genocide.⁶² This charge draws on the definition of genocide in Article II of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (Convention). This Human Right's Convention was ratified by Australia in 1949 and came into force in 1951. It is important to note, however, that Australia has not incorporated Article II into its domestic policy. Tony Buti suggests that this is because doing so would be tantamount to an act of admission. This recalls Australia's Prime Minister John Howard being reticent to publicly apologise in 1998 for the removal of children. The Convention defines genocide as:

...any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- a. killing members of the group;
- b. causing serious bodily or mental harm to members of a group;
- c. deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d. imposing measures intended to prevent births within the group;
- e. forcibly transferring children of the group to another group. (63)

⁶⁰ Commissioner Elliott Johnson, *National Report of the Royal Commission into Aboriginal Deaths in Custody*, Vol. 2, Canberra: Australian Government Printing Service, 1991, p. 511.

⁶¹ Hansard, 1996, p. 25.

⁶² See for example,

(1) "Stolen Children must be paid", *The Australian*, 21 May, 1997;

(2) "Long delay awaits victims of forced removal", *The Australian*, 27 May, 1997

(3) "Acts of genocide persist", *The Australian*, 5 June, 1997

⁶³ Convention on the Prevention and Punishment of the Crime of Genocide, Article II, 1948.

Genocide is clearly not just the mass killing of people; it is the intent to destroy a group by whatever means. “Forcibly transferring children from one group to another” deprives them of cultural identity and knowledges including language, effectively destroying the group. Both Princep and Neville were outspoken about their desire to assimilate ‘half-caste’ children while waiting for the ‘full-bloods’ to die out. There is no doubt about their intent.

Through her status as ‘half-caste’ there was an attempt, albeit subconscious in some cases, to deny Alice and other Indigenous people a cultural identity. There are many accounts in *Telling Our Story After the Removal*, and in the *Royal Commission into Aboriginal Deaths in Custody*, of people who feel they have lost all sense of who they are, and subsequently self worth, because of being denied access to their cultural identity. The effects of lack of identity are tragically detailed in the *RCIADC* report. Within that document Commissioner Wootten reports on the Inquiry into the Death of Glenn Clark who was removed from his mother at the age of four. He states that:

From that point on, Glenn’s life follows the tragic and well-worn path of many Aborigines brutally separated from their families and thrown into an alien environment, cut off from family warmth, maternal care and any sense of identity.⁶⁴

That Glenn Clark died in custody is a poignant reminder that the adverse effects on the lives of Indigenous people are not merely historical. The extent of cultural denial, what some people have termed genocide, is clearly articulated by Anne, who was born in 1947 and taken away at age seven. She says:

One striking feature of the mission days was that we were never taught anything about Aboriginal culture or Aboriginal language. It never arose that we were Aboriginal.⁶⁵

The 1905 Act continues to have powerful detrimental effects on the lives of many people. For Alice the situation was different. She was old enough when she was taken away to be sure of who she was, and she later had contact with other Yinjibarndi people. However, like many others who were removed from families and country, Alice was denied access to family, language, and rites once she was taken south.

⁶⁴ Commissioner Elliott Johnson, 1991, p. 76.

⁶⁵ Aboriginal Legal Service of Western Australia, 1995, p. 38.

Denial of access to one's own language did not just occur for Alice once she was removed from her family though. As a young child her father forbade her to speak Yijibarndi in his presence. He insisted that she only speak English. While Alice makes no further comment about this and, in fact, ensures the reader that "he was very good to me" (27), it does foreground the complexity of the issue. Most certainly there is a power relationship and a set of values being established. Alice herself said, "he didn't really mind about Ella but it was different for me." (27) Ella, Alice's sister, was Yinjibarndi but not his child.

At the Moore River Settlement Alice was with other people from her area and could therefore keep speaking her language. However, once she was working as a domestic servant, in Williams, a small town in the south-west, there was no-one to speak to and it was "during my time with the Larsens, that little by little I began losing my language." (92) The placement of Aboriginal people in domestic and labouring jobs in areas where they were unable to speak in language or share any other cultural practices was consistent with both Princep and Neville's beliefs that the 'half-castes' would be absorbed into the mainstream society, even if only as servants.

In 1954 the Native Welfare Act maintained the guardianship role of the Commissioner of Aborigines and allowed him to "direct what person is to have custody of a native child of whom he is a legal guardian."⁶⁶ At this time a significant number of Aboriginal children were placed with white families. This is obviously in direct conflict with the Convention that Australia had ratified just five years earlier. By this time there were clearly no grounds for claiming that the removal of children was carried out with the belief that this was 'for their own good.'

The 1960s were a time of positive change in the State's legislation and the public attitude to Aboriginal people generally. It was not until 1963, however, that significant change in practice occurred. In that year the Native Welfare Act of 1963 repealed the Commissioner's guardianship powers so that removal of children had to comply with the Child Welfare Act 1947 (WA) which applied to all children in the State. As statistics reveal however, it was invoked most often in the removal of Aboriginal children so that the change from 'protection' to 'welfare' did not afford

⁶⁶ Aboriginal Legal Service of Western Australia, 1995, p. 19.

Aboriginal people much more security. Custody, maintenance and education of Aboriginal children were still the responsibility of the Native Welfare Department.

In 1967, after a Commonwealth Referendum, Aboriginal people were granted citizenship rights and the Commonwealth Government gained the right to legislate on Aboriginal matters.⁶⁷ The State Labor government, then under the leadership of John Tonkin, began dismantling legislation that treated Aboriginal people differently from anyone else. The Community Welfare Act 1972 and the Aboriginal Affairs Planning Authority Act 1972 replaced the Native Welfare Act of 1963 and the Native (Citizenship Rights) Act 1944. The new legislation was designed to meet the social and political needs of Aboriginal people and to ensure their ‘development’. Tony Buti suggests however that Australia has done little to move away from its paternalistic and racist treatment of Aboriginal people. He cites the Aboriginal and Torres Strait Islander Commission as a case in point. He made the point that it is “a white imposition on the lives of Aboriginal people”⁶⁸ and while it may give some autonomy in decision making regarding Aboriginal people, the power of the Minister, not an Aboriginal person, is prohibitive of self determination. This mirrors Alice Nannup’s reflection in 1991 when she said:

It makes me sad to say this but I don’t think I’ll see a time when there will be true equality in this country...It makes me really wonder what’s going to be left for future generations. (217)

In this paralleling of *When the Pelican Laughed* and the legislative context, I have been particularly concerned to illustrate that official and personal narratives do not exist autonomously of each other. As subjects we are always defined and positioned by the rules and regulations of the society in which we live. Aboriginal people in Western Australia have been highly regulated and consequently have had little opportunity to define themselves at the level of the State. But it is important not to deny that, at the same time, Indigenous people have always defined themselves in their own terms.

While life stories including *When the Pelican Laughed* provide readers with the opportunity to critique and deconstruct colonial and racist representations and

⁶⁷ Anna Haebich, “Aborigines and the Law: An Introductory Guide to Legislation Relating to Aborigines in the Western Australian Statutes”, Bentley: Curtin University of Technology, 1990.

⁶⁸ Tony Buti, “A Comparison of the Policies for Removal of Aboriginal Children in Australia, Canada and the United States”, Seminar: Murdoch University, 28th May 1998.

agendas, it is important to remember that books such as this are not simply political tools. They are not written to salve the conscience of those who read them. This was highlighted for me by the lack of overt anger expressed by Alice Nannup in the telling of her life. It is difficult to appreciate that a person, their family and people can endure the atrocities that so many Aboriginal people have endured and still maintain a dialogue and a desire for reconciliation with the people that enforced such oppression. However, by the end of Alice's story, the reader is aware, if s/he is white, that s/he is not the 'ideal reader'. This privilege is reserved for Alice's family and people:

I think it has been important to get all my stories down into the one book.
That way my family, and their family, and so on, will always have them.
(217)

By stressing the importance of the stories for her family Alice does not exclude a wider readership but the point is made that being able to obtain a book and read it, does not necessarily make someone the ideal reader or listener of the narrative. Narratives serve many purposes. They are productive of many personal and communal identities.

In the following chapter I discuss the Western legal system as it operates in relationship to Indigenous people in Western Australia and the *Royal Commission into Aboriginal Deaths in Custody*. I do this to demonstrate the importance of personal narrative as a catalyst for institutional change.

Chapter Six

Law as Narrative: Law as Change?

It is my thesis that Aboriginal Australia underwent a rape of the soul so profound that the blight continues in the minds of most blacks today. It is this psychological blight, more than anything else that we see on reserves and missions [in prisons]. And it is repeated down the generations.¹

In Chapter Five, “Stories of Western Australia”, I demonstrated how the Western legal system in the form of legislation displaced and disadvantaged Aboriginal people. Colin Tatz in “Aborigines and Civil Law” foregrounds “several inimical roles of law” in this process. He identifies these as being:

... law as the creator and perpetrator of a special, inferior legal class of persons; law which ascribes, for generations, immutable negative traits to that legal class; law which brands as criminal (for that class) behaviour which is acceptable in society at large; law which controls Aborigines physically, mentally, geographically; which predicates the negative Black image in White eyes and fashions official stereotypes. There is law which excludes, or allows to be excluded, Aborigines from its benefits.²

Tatz insists that, while the claim can be made that many of these laws have now been repealed, “the reality is that their operation has deeply scarred Black Australians”³. This is borne out by the results of formal investigations such as the *Royal Commission into Aboriginal Deaths in Custody* and, poignantly in the life-story of Alice Nannup; the experience of the Bunjima woman who was being beaten and feared her baby would be taken from her; the visit of the Primary Extension Academic Challenge class to the Perth Museum. Further, the effects of these laws are currently being played out in the justice system.

In this chapter I discuss the role of unofficial narratives such as personal histories, experiences or life-stories and Aboriginal customary law in challenging official narratives, particularly the Australian legal system and aspects of magistrates’

¹ Kevin Gilbert, *Living Black*, Ringwood: Penguin, 1977, p. 3.

² Colin Tatz, “Aborigines and civil law”, in *Aborigines and the Law*, Peter Hanks and Bryan Keon-Cohen (eds), Sydney: Allen & Unwin, 1984, pp. 110-11.

³ Tatz, 1984, p. 110.

practices within that. I argue that the structure of the legal system and of the court itself disables the telling, hearing and responding to personal narratives which (according to the *Royal Commission Into Aboriginal Deaths In Custody*) is imperative for some change. The strategic use of narrative can be explored through a discussion of some aspects of the Australian Institute Judicial Association's "Aboriginal Culture: Law and Change" seminar for Western Australian magistrates, which was held in December 1994 as part of the Australian judiciary's response to the *Royal Commission Into Aboriginal Deaths In Custody* report. Discussion of several aspects of the seminar demonstrate that it is not only the telling of and listening to peoples' stories that is important, but equally the place or site in which stories are told and listened to because this determines their reception.

Magistrates regularly hear the mitigating circumstances explaining why Aboriginal peoples are in court, but, as the "Aboriginal Culture: Law and Change" seminar demonstrated, the legal system does not facilitate either the effective telling, or listening to, of personal stories that enable real understanding of these circumstances. Rather, it works against this. The architecture of the courtroom, and the positioning of the 'players' in it, illustrates the hierarchy within the system that is at the core of this failure. Useful reference can be made here to Foucault's discussion of both the panopticon and the classroom. In *Discipline and Punish*,⁴ Foucault argues that both places are designed to ensure that the prisoner or the student internalises the gaze of the guard or teacher and, consequently, disciplines him or herself to act in accord with the rules of the institution. Most importantly these rules do not need to be overtly stated and neither does the guard or teacher must be watching the pupil or prisoner before s/he will act accordingly. It is my contention that the courtroom operates in the same way.

6.1 The western legal system

Appreciation of the outcomes of the "Aboriginal Culture: Law and Change" seminar and the *Royal Commission Into Aboriginal Deaths In Custody* rely on some knowledge of the Western legal system, a grand narrative that attains its 'legitimacy' through ('Enlightenment') ideas of rationality, operating in Australia. Further, it is the system that produced the Western Australian State legislation that has governed the lives of

⁴ Michel Foucault, *Discipline and Punish: The Birth of the Prison*, (Trans.) Alan Sheridan, New York: Vintage Press, 1979.

Aboriginal people from 1848 to the present and which has been complicit in the construction of Aboriginal people as 'primitive' and as 'incapable of being responsible' for themselves. The adjudication of law (that which occurs within the magistrate's court), while theoretically different in that it is supposedly impartial and objective (assuming everyone is equal before the law), is also influenced by and perpetuates these very discourses that disadvantage Aboriginal people. Commissioner Johnson's findings in the *Royal Commission Into Aboriginal Deaths In Custody* demonstrate that this divide is an artificial one, and that equality and justice have been denied to Aboriginal people, in part, because this divide is not actuated.

It is necessary to appreciate that the Western legal system is simply a way of defining the rules, or a 'narrativisation' of the 'rule of law', which ascribe obligations, particularly on the part of the government to:

... act in accordance with rules. This principle is commonly taken to have two broad consequences; first, that there should be no arbitrary use of power and second that any government discretion should be limited and exercised within the limits imposed by general laws.⁵

According to Bottomley *et al* law in Australia operates in the broader view of liberalism,⁶ the key elements of which are liberty, individualism, equality, justice, rights, utilitarianism and rationality.⁷ It must be noted however, that this is a theoretical ideal. While the common law and statute law provide Australian people with freedom of religion for example. Unlike the United States of America we have no Bill of Rights that clearly articulates a list of individual rights. Certainly, there is a 'rhetoric of rights' that is spoken in Australia. However the actualities of the legal system does not mirror this 'rhetoric of rights'. Although a discussion of legal rights within Australia is not within the scope of this work it is important to note that the *Royal Commission into Aboriginal Deaths in Custody* draws on this 'rhetoric of rights'. Commissioner Johnson identifies the disparity between formal equality before the law and 'effective rights' as being at the heart of the Commission and its findings. As a consequence, he calls for reform to the justice system in keeping with accounts

⁵ Stephen Bottomley, Neil Gunningham, Stephen Parker, *Law in Context* Leichardt: Federation Press, 1991, p. 44.

⁶ Liberalism is used here as used by Bottomley *et al.*, 1991, p11. "Liberalism spans a continuum from conservatism through libertarianism to social democracy, provided, at least, that collective ownership and control is in the context of a mixed economy...one stops being a liberal when social democracy shades into democratic socialism."

⁷ Bottomley *et al.*, 1991, pp13-33.

of the personal experiences of Aboriginal people and their traditional beliefs which highlight that disparity.

In this context justice, another tenet of liberalism, is also a nebulous concept, in part because of its ambiguous relationship with law. In “Force of Law: The Mystical Foundation of Authority” Derrida aptly writes:

Everything would still be simple if this distinction between justice and droit [law] were a true distinction, an opposition whose functioning was logically regulated and permitted mastery. But it turns out that droit claims to regulate itself in the name of justice and that justice is required to establish itself in the name of a law that must be “enforced”.⁸

Like equality, justice relies on everyone being ‘judged’ by the same set of rules. In the legal sense it is the outcome obtained when rules are formally observed and applied regardless of race, class, gender or group affiliations,⁹ as expressed in the slogan ‘Everyone is equal before the law’. But everyone is not equal before the law and neither, I suggest, would they always wish to be so considered.

The tenet that ‘everyone is equal before the law’ contributes, I believe, to the social disadvantage, experienced by Indigenous people in Australia, that Bottomley *et al* refer. They pose the question: “How can such disadvantage have occurred in an affluent society apparently committed to the values of liberty, equality, the rule of law, and the sanctity of property?” The answer lies, these writers suggest, in the very nature of liberalism with its emphasis on individualism and the rights and duties of the citizen as opposed to people whose identity and social customs are defined through local group affiliations.

While in theory a commitment to equality and justice may ensure that all people are fairly dealt with by the law, in practice this is not so. For instance, Justices Deane and Toohey make the point, in the case of *Gerhardy v Brown* “that formal equality must yield on occasions to achieve ... effective, genuine equality”. This is clearly necessary in Australia where there has been no clear demarcation between legislation and adjudication with the result that treatment of Aboriginal people within

⁸ Jacques Derrida, “Force of Law: The Mystical Foundation of Authority” in *Deconstruction and the Possibility of Justice* Drucilla Cornell, Michel Rosenfeld, David Gray Carlson (eds.), Routledge: New York, 1992, p. 22.

⁹ Michel Rosenfeld, “Deconstruction and Legal Interpretation: Conflict, Indeterminacy and the Temptations of the New Legal Formalism” in *Deconstruction and the Possibility of Justice*, Drucilla Cornell, Michel Rosenfeld, David Gray Carlson (eds.), Routledge: New York, 1992.

the legal system reflects the history of discriminatory legislation already discussed in Chapter Five and identified by Commissioner Johnson in the Royal Commission into Aboriginal Deaths in Custody. Furthermore, the legal system, in part because of the depiction of law as neutral and innocent,¹⁰ is unable to “confront the substantive inequality”¹¹ that occurs. As is demonstrated through a discussion of several aspects of the “Aboriginal Culture: Law and Change” seminar, later in this chapter, it is not able, by its very nature, to stop prejudice and disadvantage, and may even foster it by limiting what can be done to prevent it.

If one considers then that equality before the law relies first on knowledge of and access to the law, then the implications of cultural (but also class and gender) differences become obvious, especially in relation to many Aboriginal peoples who historically have had negative relationships with the law.¹² Equity before the law is further determined by government legislation that dictates who is eligible to access, therefore to ‘rights’ through such mechanisms as citizenship, education and funding. For instance, because a Bunjima woman was not informed or educated about her rights as a mother she remained within a violent relationship for fear of having her child taken from her.¹³ The argument might be made that this lack of education about individual rights is not restricted to Aboriginal people and therefore this Bunjima woman is no more disadvantaged than any other woman is. However, the point must be made that the history of forced removal of Aboriginal children ensures that she has a set of expectations and thus it is that the effects of past and present government policies and legal injustices, exacerbated by a degree of mystification, still informs and determines how some people live. For Aboriginal people, what their ‘rights’ were and access to those ‘rights’ was complicated by the fact that it was the States that legislated ‘for the welfare of Aboriginal people’ not the Commonwealth government. This resulted in a lack of consistency between the states and a lack of responsibility on the part of the Commonwealth government. At a Premier’s conference in 1936 the idea of Commonwealth control over the affairs of Aboriginal people was rejected, the only agreement reached was that “regular meetings of State and Commonwealth

¹⁰ The concept of law as innocent comes from P. Fitzpatrick, “Racism and the Innocence of Law”, *Law and Society* No. 14, 1987, p. 119.

¹¹ Bottomley *et al.*, 1991, p. 305.

¹² In Western Australia the police were responsible for removing children from their families, ensuring that Aboriginal peoples obeyed curfews and detained people who left missions or reserves without permission.

¹³ See introduction for more detailed account of this incident.

officials responsible for the administration of the governments' policies"¹⁴ should occur. The first meeting occurred in 1937 for "endorsing a national policy of assimilation."¹⁵ Aboriginal people were not granted citizenship until 1967 and even since this time the Commonwealth government has taken insufficient responsibility to ensure that they have 'rights' appropriate to their lives and that these are enforced.

Justice is the final aspect of liberalism and the Western legal system to be discussed here. Sarat writing about access to justice or 'due process' and the participation of citizens in the United States justice system states that:

The right to one's day in court, the right to be heard, the right to take part in procedures through which one's fate is determined all provide the basic substance of due process, which is in turn, at the heart of our conceptions of fairness and justice.¹⁶

While the liberal view of justice has wide appeal, in reality it too is little more than rhetoric. Consequently, it has fallen out of favour, particularly with those who consider that the effects of a person's socio-economic-psychological background should not be ignored when assessing their ability to access justice and therefore due process or the rule of law. This of course is the point of the Bunjima woman's story. Dis-ease with the liberal view of justice is important both for the recognition that the enactment of legislation specific to the lives of Aboriginal people has ensured that there is no 'even playing field' and for the opportunities it provides for critique and change.

6.2 Pleading before the court

The architecture of the court and its protocols ensure that the defendant behaves in a 'courtly fashion'. For instance, everyone stands as the magistrate enters the courtroom. This and the fact that s/he sits at a bench raised above all other participants is a physical acknowledgment of his or her institutional power. The lawyers, defendants, claimants and clerks are all positioned in front of and thus lower than the magistrate; the lawyers for the prosecution and defendant sit at the bar table with the prosecution on the right and the defendant on the left. The defendant sits or stands to the left of his or her lawyer and does not have the 'protection' of the bar table between

¹⁴ Peter Hanks, "Aborigines and government: the developing framework", in *Aborigines and the Law*, Peter Hanks and Bryan Keon-Cohen (eds), North Sydney: Allen & Unwin, 1984, p. 22.

¹⁵ Hanks, 1984, p. 22.

¹⁶ A. Sarat, "Access to Justice: Citizen Participation and the American Legal Order" in *Law and the Social Sciences*, L Lipson and J Wheeler (eds), Russel Sage Foundation, 1986, p. 527, cited in Bottomley *et al.*, 1991, p. 60.

him/herself and the magistrate. The defendant is thus exposed and, as is the case with the panopticon, is subjected to the direct gaze of the court. Furthermore, court procedure determines who speaks and what is spoken, as well as how and when it is spoken. It is a lawyer who acts for the parties and provides most important information, such as factual summaries, pleas in mitigation which may describe embarrassing domestic circumstances. Finally, it is the lawyer who attempts to lead the magistrate to a particular decision. The overall selection and presentation (that is, the grand narrative) is thus overwhelmingly in white, educated, institutionalised and highly specialised legal terms, the Indigenous voice is lost.

Bernard Jackson, Queen Victoria Professor of Law in the University of Liverpool, provides some useful insights into why this might be so in an article titled “Narrative Theories and Legal Discourse”.¹⁷ He examines court procedures and explicates the ways in which these inhibit certain narrative types while facilitating others. He explains that:

Conventionally, the ‘battle’ which occurs in the courtroom is assumed to be between the two parties to the litigation: plaintiff and defendant in civil cases, prosecutor and accused in criminal. But it does not take long to observe the fact that the two parties to the dispute very rarely engage in the combat. There will be no occasion in the trial during which the parties confront each other, as speaking subjects. Indeed, it is only in relatively modern times that parties to a dispute have been permitted to give evidence on their own behalf.¹⁸

What this means is that in many cases the magistrate will hear little of the defendant's story in his or her own words. Rather, as a result of the courtroom format, or pragmatics, it is the lawyer for the defendant who presents the relevant information. The defendant answers questions and provides what information he or she is instructed to give. While the magistrate will usually give the defendant the opportunity to say something on his or her own behalf, the structure and tone within the court is determined. It takes a very confident person to represent her/himself well or say anything at all under these circumstances.

According to Bernard, however, the defendant is an actor, one who must impress the magistrate. The ability to perform is thus a determining factor in the

¹⁷ Bernard S. Jackson, “Narrative and Legal Discourse” in *Narrative in Culture: The Uses of Storytelling in the Sciences, Philosophy and Literature*, Christopher Nash (ed), London: Routledge, 1990.

¹⁸ Jackson, 1990, p. 35.

outcome of the case. A colleague confirmed this by describing his own experience of being charged with a driving offence, serious enough to cause him to appear in the local magistrate's court rather than receive the usual fine. He explained that quite obviously his class, employment and ability to convince the magistrate that he was a 'good' though 'aberrant' citizen – his own cultural capital – resulted in his receiving a good behaviour bond rather than any other penalty. While waiting his turn to appear he listened to the preceding cases and noted that people on less serious charges than his own at times received greater penalties and without exception were socio-economically disadvantaged and were unable to represent themselves positively.

It should be noted that many people who choose to plead guilty in the magistrate's court and therefore simply accept the consequences do so because they either cannot afford to engage a lawyer, are not educated in the necessity to do so, or do not have the confidence to approach a law firm. Those who have state-funded legal representation realise the necessity to be represented but cannot afford private defence. This is important to the experience of the defendant because the court works on a system of seniority; that is, the order in which cases are heard is based on the seniority of the lawyers involved. If a defendant is wealthy and educated enough to hire a senior lawyer, s/he has the benefit of having the case heard while the magistrate is still fresh and has not heard a long list of similar 'excuses'. The cases of those people with legal aid lawyers are heard after the senior lawyers and private lawyers and only then are the cases of those people without representation heard.

Defendants without representation, waiting for their case to be heard, may sit in the back of the courtroom for much of the day. During this time they witness cases where the defendant has a lawyer to intercede with the court which may undoubtedly cause many people to feel excluded from and thus disempowered by lack of knowledge of the court and the legal system. It would almost certainly act as a barrier to story telling in any full sense of the term.

6.3 Pluralism: recognition of Customary Law

To confront and deal with substantive inequalities the Australian legal system would have to practice pluralism, the right to religious and cultural difference which Bottomley *et al* suggest is intrinsic to it¹⁹ but which I argue is certainly not practised

¹⁹ Bottomley *et al.*, 1991, p. 84.

in Western Australia. Rather, the law attempts to reconcile self and others to a single position through the universal application of law, as is demonstrated by the judiciary's limited, though in some instances increasing engagement, with Aboriginal customary law. A significant shift in thinking would be required for pluralism to be incorporated into the system, in part because the formalistic or 'equal' application of rules or standards, which are inherent to Western notions of justice as equality, desert and entitlement, are anti-thetical to pluralism.

Much has been written on the customary law of Indigenous people in Australia. The discussion that follows is restricted, however, to that of the Ngulama, Injibarndi and Bunjima people who now live in Roebourne. This is so because Marshall Smith, who spoke about customary law at the "Aboriginal Culture: Law and Change" seminar is a Bunjima man living in Roebourne. He made the point that people wanting information about customary law from other areas must ask the appropriate people. Further, both Alice Nannup, an Injibandi woman, and the Bunjima woman who feared losing her baby, lived there.

Customary law can be partially understood as the complex set of rules that guide individual and community behaviour within and between Aboriginal groups. It is important to appreciate that Aboriginal people's subjection to the Western legal system does not exclude them from customary law. Rather, customary law is integral to the identity of many Aboriginal people. It is also important to appreciate that customary law has little or no relevance to the lives of some other Aboriginal people, particularly those who have been denied access to country, family and culture through forced removal. It is not my purpose to provide a comprehensive discussion of customary law here as this would not be possible, for "the traditional culture is an oral one, and there are no written codes or statements."²⁰ More importantly it would not be appropriate or possible to do so from my position as a white woman. What is necessary for this discussion however, is to provide some examples of the richness and complexity of customary law and to reinforce the Royal Commission's point that dialogue between people involved in both systems of law is vital. As Crawford points out:

²⁰ James Crawford, "The Recognition of Aboriginal Customary Laws: An Overview", in *Aboriginal Perspectives on Criminal Justice*, Chris Cunneen (ed), Sydney: The Institute of Criminology, 1992, p. 54.

Non-recognition contributes to the continued undermining of traditional laws and authority structures. Aboriginal customary laws are a continuing reality in the lives of traditionally oriented people.

Aboriginal people generally support recognition of their laws and, more specifically, have sought ways to enable the two laws, the general law and the Aboriginal customary law, to work together.

Aboriginal customary laws assists in maintaining law and order within Aboriginal communities while Non-Aboriginal law and order mechanisms are often seen as ineffective and based on alien, shifting and compromised value systems.²¹

Galtharra-na, or the skin group system, is fundamental to peoples' identity within the group, how they relate to others and the organisation of law meetings. Each person is born into one of the four skin groups Bananga, Burungu, Garimarra and Balyirri. The system determines whom people marry and their relationship to each other. For instance:

A Bananga man must marry a Burungu woman and all their children are Balyirri.

A Garimarra man must marry a Balyirri woman and all their children are Burungu.

By knowing your Galtharra-Na you will know how to relate to other people.

You can work out whether you are a brother, aunty, cousin, nephew etc.²²

People can joke and play with others from their own skin group or those who are straight for them (people whom they can marry) but may not speak to those who could potentially be their mother-in-law (nirdi) for instance, ensuring that respect within families and the larger group are maintained and that there is a clearly marked 'duty of care'.

A very important aspect of the Ngulama, Injibarndi and Bunjima family systems is that specific functions or roles, such as having a mother or grandfather, must be maintained to ensure the physical and emotional welfare of each person. If, for example, a man's mother has two sisters they are also his mothers. He must treat them with the respect and care due to a mother while they in turn care for him as their son.

²¹ Crawford, 1992, p. 55.

²² Ngurra Wangkamagayi, *Cultural Awareness Course Manual*, Roebourne: Minurmarghali Mia, 1997, p. 30.

The system is also cyclical so that each family function can be maintained. When a woman's grandmother passes away for instance, her own great granddaughter may become her grandmother. For people outside the group such family relationships can be difficult to appreciate. It certainly does not easily translate into a western family model. This system of relationships has not been readily understood or acknowledged within the Western legal system so that there have been occasions when a child's mother's sister has not been able to take responsibility for a child when the court has required the mother to guarantee her or his future behaviour.²³

Within the Ngulama, Injibarndi and Bunjima system of family relationships maintaining friendly and supportive relations between parents and children is a priority. One mechanism for doing this is having the parent's sisters and brothers responsible for disciplining children.²⁴ This is significantly different to what occurs in most non-Indigenous Australian families and in many instances is regarded as a lack of responsibility. When this system of discipline is taken into consideration then it is also appropriate that a child's aunt or uncle take responsibility for her or his behaviour within a legal context.

It is through customary law that cultural knowledge is maintained, including the time at which boys are initiated, what knowledges they are responsible for, and at what age men and women are given spiritual information. Through the law people learn about looking after the land in ways that facilitate positive, productive relationships between themselves and country. Sacred sites, such as increase thalus,²⁵ have songs and stories that must be sung and told at appropriate times and places to ensure, for example, a plentiful supply of seeds and the significance of the site.²⁶ Adherence to customary laws is important in developing and maintaining personal and communal responsibility and respect.

The relationship between the Western legal system and customary law in Australia is an uneasy one however and is limited to very specific cases. In fact, according to McRae *et al*, "white law has never recognised black law as a separate and

²³ For a more comprehensive discussion of the skin system see Frank Rijavec and Noeline Harrison, "Exile and the Kingdom", produced by the Australian Film Commission and Norrawanna, 1992.

²⁴ Bernie Ryder, speaker in *Ngurra Wangkamagayi: Cultural Awareness Training Course*, Roebourne, October 1997.

²⁵ A thalus may be a rock, a tree or some other physical formation.

²⁶ For a discussion of thalus in the Roebourne area see Ngurra Wangkamagayi. See also Peggy Brock (ed), *Women Rites & Sites*, North Sydney: Allen & Unwin, 1989 for a discussion of the relationships between women, cultural knowledge and the maintenance of sites.

autonomous system of laws and dispute resolution procedures.”²⁷ Mick Dodson, Aboriginal Social Justice Commissioner, speaking about Customary Law and Human Rights made the following comment on the ways Aboriginal customary law is generally regarded:

Apart from seeing them as problematic there appears an addiction in policy development (and ensuing legislation) to isolate components of our laws [traditional marriage laws for instance] in order to place them into artificial compartments which western legal systems are familiar with. The process of segmenting and selecting what is considered 'legitimate' provides compromised justice for Indigenous peoples.

If native title is a title based on our laws and customs, it is an absurd position for our traditional rights to land to be recognised but other laws and customs (which give meaning to those rights) to be treated as if they did not exist or are somehow lesser rights.

The Australian legal system must take the further step of accepting that native title is inseparable from the culture, which gives it meaning.²⁸

Keith Maddox, an anthropologist at Macquarie University, in writing about Aboriginal customary law draws on the work of the anthropologist, W.E.H. Stanner, particularly his suggestion that “Aboriginal customary law conflicted in almost every respect with the root assumptions of Australian law”,²⁹ as a way of explaining the lack of engagement with customary law by non-Indigenous Australians. Drawing on Stanner he asserts that:

[w]hether contemptuous or solicitous of Aborigines, Whites are inflicted with ‘a kind of sightlessness towards the central problems of what it is to be a blackfellow in the here-and-now of Australian life’. It was unlikely a court would recognise an Aboriginal marriage or most of the other things that made life worth living. White people were intellectually distant from such ideas, as ‘the totally inalienable link between a man and his clan estate, a man's right to hunting tracks, his right to claim material wealth from the husband of his sister or daughter-all these, all these and a dozen others’.³⁰

It is important to make the point however that co-operation between the two systems, built on dialogue and respect, *can* facilitate a useful accommodation between

²⁷ H. McRae, G. Nettheim, L. Beacroft, *Aboriginal Legal Issues*, North Ryde: The Law Book Co., 1991, p. 221.

²⁸ Mick Dodson, “Customary Law and Human Rights”, Unpublished, 1994.

²⁹ Keith Maddox, “Aboriginal customary law”, in *Aborigines and the Law*, Peter Hanks and Bryan Keon-Cohen, Sydney: Allen & Unwin, 1984, p. 232-3.

³⁰ Maddox, 1984, p. 233.

the two laws. This happens reasonably successfully on the Pitjanjatarra lands where as McRae *et al* explain:

the white magistrates and police perform their duties in a generally sensitive manner, usually in close consultation with the Aboriginal community, though some areas of conflict remain.

Another example can be found in the case of the State of Western Australia v Ben Ward & Ors on behalf of the Miriuwung Gajerrong Peoples. The Miriuwung Gajerrong peoples have claimed native title to the land and water surrounding, what is now known as the town of Kununurra in the north east of Western Australia. Justice Lee, who heard the case sought to determine whether there needed to be restrictions on the hearing of evidence that might not be appropriately heard in a public forum. He was particularly concerned to ensure that gender restrictions on the presentation of evidence were addressed and was willing to allow restrictions despite objections by the State that such an approach interferes with ‘natural justice’. This need comes out of the Western system of law that is historically adversarial that is, all evidence to be heard in a case must be available to all. Further, Justice Lee's concern to respect cultural restrictions is in keeping with Justice Deane's finding in the case of *Dietrich v The Queen* (1992)³¹ where he asserts that:

... a change in community perceptions or standards may lead, on reconsideration, to the modification or abandonment of rules or practices which were, in other times, seen as necessary to ensure that the trial of an accused was a fair one.

The implication here is that court requirements must change in relation to changes in the society that the courts serve. And, certainly Justice Blackburn's dictum in the Grove Land Rights case in 1971 provided a possible direction for change. He found that:

a recognisable sovereign or a separate territorial community with well defined boundaries were not prerequisites for “law”. He preferred to place emphasis on the process of dispute resolution in traditional societies.³²

His emphasis on dispute resolution in Aboriginal communities is a recognition and acceptance of the fact that these communities do have their own structures for mediating disputes. This recognition is essential to a synergistic

³¹ *ibid*

³² Crawford, 1992, pp. 54-55.

relationship between the two systems of law that may lessen the number of Aboriginal people who “live and die in custody”.³³ Deterritorialisation is not achieved however. The law immediately reterritorialises. It maintains its control. In the case of *Walker V NSW* the judgement is made that allowing for customary law is not an acknowledgement of Aboriginal customary law.

6.4 Law and the possibility of change

...the law is capable of providing an important impetus for social and economic change. Not only is reform of the law essential to overcome obvious inequalities and injustices in society, but the reforms can markedly influence community attitudes and behaviour.³⁴

From the overview of the Western legal system it is easy to understand law as a grand narrative that is singular, homogenous, transcendental, inflexible, lacking in human agency. However, this is not so; it is multifaceted and while law is traditionally and persistently conservative and slow to change, it is a social process and therefore dynamic. That law is not homogenous is evidenced by the fact that it consists of several interrelated practices including ethics, education and politics and is peopled by judges, magistrates, justices of the peace, clerks of court, social workers, probation officers and educators. Although they act in accord with the law, *apparently* neutrally, there is now a general acceptance that even 'impartial' people such as magistrates and judges are influenced by and therefore make judgements based on their own socio-psychological backgrounds. In a liberal society these people may work at consensus, at “reconciliation of self and other within the sphere of social interaction”³⁵ but they may also operate autonomously, critiquing the law, and working for change.

Law is a social process. There is thus an exchange or interaction between politics and public opinion. It is as Sackville asserts, that law informs and influences public attitudes and behaviours. One example of this is the High Court’s *Mabo* decision which:

³³ Hal Wootten, “Aboriginal People and the Criminal Justice System” in *Aboriginal Perspectives on Criminal Justice*, Chris Cunneen (ed), Monograph Series, No. 1, Sydney: The Institute of Criminology, 1992, p. 52.

³⁴ Sackville, in *Deconstruction and the Possibility of Justice*, Drucilla Cornell, Michel Rosenfeld, David Gray Carlson (eds.), Routledge: New York, 1992, p. 213.

³⁵ Michel Rosenfeld, “Deconstruction and Legal Interpretation: Conflict, Indeterminacy and the Temptations of the New Legal Formalism” in *Deconstruction and the Possibility of Justice*, Drucilla Cornell, Michel Rosenfeld, David Gray Carlson (eds.), Routledge: New York, 1992, p. 171.

reject[ed] the view that Australia belonged to 'no-one' (terra nullius) at the time of European settlement and recognised the existence of Indigenous Australians' native title rights as part of Australia's common law. The Court found that common law native title was different from other forms of title as its content depends on the laws and customs of the Indigenous people who hold it - not on rights granted by governments.³⁶

Prior to the High Court's ruling there was limited debate outside of academic circles and Aboriginal Affairs about the rights of Aboriginal peoples to native title and self-determination. Since 1992 there has been a significant increase in discussions which are informed by the High Court's Mabo determination. It is also in native title claims such as the Miriuwung Gajerrong case, discussed later, that changes to the judicial process are occurring. However, the point must be re-made that law does not change radically and does not encourage conditions that facilitate change. And further, because it is just one aspect of a social process, decisions such as Mabo are critiqued and reacted to in a multitude of ways. In the case of the High Court decision many of the resultant narratives have included overt criticism of the court.³⁷ A small group of people has accused the court of being too conservative and not 'settling' the issue of native title. However, most narratives generated by the decision is overtly critical of the High Court and has been anti-native title.

In writing about penal reform David Brown makes the point that, for positive change to occur, a "series of forces which create the conditions of possibility of change"³⁸ must exist. The Australian Institute Judicial Association's decision to implement cultural awareness training for instance did not occur in a social vacuum or even of its own volition. It was the result of the number of deaths in custody, the Royal Commission, the Labour government's commitment to Aboriginal welfare and self-determination and the concern of individual people and an international concern for the rights of Indigenous people. Brown lists several tasks that he regards as necessary for change, these include:

... addressing specific issues against a background of a detailed empirical knowledge of their localised history and struggles; regulating the media as a major agency in the construction of 'common sense', 'public opinion' and the limit of reform; socialising the judiciary; developing a more critical

³⁶ Nick Minchin, "Fairness and Balance: The Howard Government's Response to the High Court's Wik Decision", January 1988.

³⁷ There have also been personal, community and national celebrations of the Mabo decision. It gave hope to many that Indigenous people would be treated with a new respect and that social justice issues, related as they are to dispossession might be addressed.

³⁸ David Brown "The Politics of Reform", Unpublished paper, 1998.

approach to generalised claims of judicial independence; creating new forums and sites for debate; changing informational and decision making practices within political parties and government; regrouping the law reform / penal reform lobby...³⁹

But, as is illustrated by the discussion of the “Aboriginal Culture: Law and Change” seminar that follows, “localised” education and “socialis[ation of] the judiciary” on its own is not enough. In any circumstances change is not necessarily readily embraced or ‘actually’ achieved by all who operate in the legal system. Rather, as Rosenfeld asserts, “in the process of making itself formal the law only incorporates certain ethical and political values while repelling others,”⁴⁰ often by acting strategically to protect it. There must also be an ongoing dialogue between the judiciary, the public (which of course they are part of in the most general sense) including key Aboriginal organisations and as many Aboriginal people as possible, together with a willingness on the part of government to alleviate socio-economic inequities, fund education initiatives and alternative sentencing options, including culturally appropriate self-assertiveness training and anger management programs.

The content of the Aboriginal Culture: Law and Change seminar, which serves as one possible model for negotiating change, was decided upon after a series of interviews with six magistrates and input from the Aboriginal Cultural Awareness Pilot Project Sub-Committee. Although the seminar content was focused on contemporary issues such as domestic violence, imprisonment and Aboriginal customary law, it was decided that some time must be spent providing an historical frame in which these issues could be understood and from there dealt with. In Anne Collett's terms this required “deliberately, consciously examining the past, the present and deciding a course for the future”⁴¹ and in this way the seminar could thus be identified, again in her terms, as a postcolonial initiative.

6.5 The Royal Commission into Aboriginal Deaths in Custody: grand narrative or anti-colonial critique?

As already stated the Western legal system is a modernist institution resistant to radical change. However, it is a political and social process and therefore subject to critique

³⁹ David Brown, 1998.

⁴⁰ Rosenfeld, 1992, p. 171.

⁴¹ Anne Collett, “Perspectives on Home Ground, Foreign Territory” in *Teaching Post-Colonialism and Post-Colonial Literatures*, Anne Collett, Lars Jensen & Anna Rutherford (eds), Denmark: Aarhus University Press, 1997, p. 15.

and demands for accountability by the public, the Human Rights Commission and other forms of national and international scrutiny. The *Royal Commission Into Aboriginal Deaths In Custody* is one critique that challenges the impartiality and equity of the Australian legal system and its ability to effectively and productively relate to and, meet the needs of Aboriginal people. It achieves this by exposing “the horror”⁴² of Aboriginal deaths in custody and foregrounding socio-economic reasons for the disproportionately high number of Aboriginal people in custody and thus at risk. Hence, it is my contention that the *Royal Commission* can be interpreted as acting in a postmodernist and, by extension, postcolonialist way.

It is important to understand the relationship between modernism and the Western legal system and that between postmodernism and the *Royal Commission Into Aboriginal Deaths In Custody* to appreciate both the potential for critique and the limitations of the Commission. Just as postmodernism does not involve a radical break with modernism so the Royal Commission is not opposed to or outside of the Western legal system. The inter-relationship between them is most clearly exemplified by the fact that Commissioner Elliott Johnson QC, who occupies an elite and powerful position within the legal system and therefore has a vested interest in maintaining its integrity, conducted the inquiry. And further, that while the Commission can make recommendations, which it has done, these are not enforceable by law just as postmodern and postcolonial critiques may be called for but cannot be enforced, *remaining* at the level of rhetorical intervention as *narrative pleadings*.

Understanding the function of narrative within the Royal Commission and in its relationship to the Western legal system is also important here. This system is, in Lyotard’s terms, a grand narrative.⁴³ It functions as a central story or meta-narrative within Western culture. The Royal Commission, on the other hand, functions to challenge aspects of that meta-narrative by providing a forum for local and personal stories to be told and heard that may change attitudes and practices but that cannot radically alter the structure of the meta-narrative because it seeks solutions in the meta-narrative of law. This is, I suggest, comparative to the relationship between colonialism and postcolonial theory. The Royal Commission can perhaps be usefully thought of in Homi Bhabha’s terms as a “form of social criticism that *bears witness* to those unequal

⁴² This refers back to Lyotard’s response to Auschwitz and his explanation of postmodernism discussed in Chapter Three.

⁴³ Refer to Chapter Three for a discussion of modernism and grand narrative.

and uneven processes of representation” by which the horrific experiences of Aboriginal people in the justice system have been dismissed for too long.

A brief overview of the Royal Commission’s report, written in five volumes, is provided here to outline the main concerns of the commission and to provide a context for the discussion of the “Aboriginal Culture: Law and Change” seminar that is to follow. Volume One is a comprehensive analysis of the deaths investigated. It includes a profile of those who died; the findings of the commissioners as to the deaths; and the adequacy of previous investigations. Volume Two is a comprehensive critique detailing the underlying historic/social issues that explain the disproportionate number of Aboriginal people in custody. It includes accounts of Aboriginal relations with the non-Aboriginal community: Criminal and Juvenile Justice Systems, police, education, employment and housing. Alcohol, drug use, unemployment and poverty are considered for the ways they affect these relations, as are land needs and self-determination. Volume Three, is divided into two parts, “Reducing the Numbers in Custody”, which focuses on diversions from police custody and imprisonment as a last resort and “Reducing the Risks of Deaths in Custody” which considers the prison experience, including the vulnerability of those in custody, their custodial health and safety. The fourth volume, “The Underlying Issues: Directions for Change” recommends strategies for dealing with problems highlighted in Volume Two. These strategies include the path to self-determination; accommodating difference; improving the Criminal Justice System; better health; coping with alcohol; future education; increasing economic opportunities. Volume five is in two parts: “Towards Reconciliation” which deals with the process of reconciliation including conforming to international obligations and addressing land needs⁴⁴ and “Recommendations”.

Recommendations 96, 97, 104 and 107 of the Commission’s report specifically relate to the judiciary. Recommendations 96 and 97 stipulate that:

Judicial officers and persons who work in the court service and in the probation and parole services and whose duties bring them into contact with Aboriginal people be encouraged to participate in an appropriate training and development program, designed to explain contemporary Aboriginal society, customs and traditions. Such programs should emphasise the historical and social factors that contribute to the disadvantaged position of many Aboriginal people today and to the nature of relations between Aboriginal and non-Aboriginal communities today.

⁴⁴ Commissioner Johnston, 1991, p. 7.

The Commission further recommends that such persons should wherever possible participate in discussion with members of the Aboriginal community in an informal way in order to improve cross-cultural understanding.

That in devising and implementing courses referred to in Rec. 96, the responsible authorities should ensure that consultation takes place with appropriate Aboriginal organisations, including, but not limited to, Aboriginal Legal Service.⁴⁵

Recommendation 104 specifies that in the case of remote or discrete communities those communities be consulted about the types of sentences that they believe are appropriate.

Though the Royal Commission was unable to enforce change several important outcomes have arisen from it, including increased public awareness of the historical factors that have contributed to the number of Aboriginal people in the justice system. The families of people who had died in custody were given the opportunity to speak in a legitimate public inquiry. The biographies of those who have died were recorded and listened to as a means of determining whether there were commonalties in their histories and, most importantly, whether these had been taken into account by the justice process in an attempt to decrease the number of Aboriginal people in prison and the number of deaths. Furthermore, establishment of the Australian Institute Judicial Administration's cultural awareness programme for the Western Australian Magistracy was a direct result of the Royal Commission's inquiry, report and recommendations.

The call for the cultural awareness program resulted, in part, from Commissioner Johnson's finding that the separation of legislation and the adjudication of law does not occur for Aboriginal people; rather the effects of legislation have continuing direct and detrimental repercussions for them in the justice system. Commissioner Johnston in his 1991 "Overview and Recommendations" to the *Royal Commission into Aboriginal Deaths in Custody* foreground the role of past legislation in contributing to the disproportionate numbers of Aboriginal people in the court system, in custody and dying in custody. He wrote:

I include in this report a chapter on that history. I make no apology for doing so. I do so not because the chapter adds to what is known but because what is known is known to historians and Aboriginal people; it is

⁴⁵ Commissioner Johnston, 1991, p. 53

little known to non-Aboriginal people and it is a principal thesis of this report that it must become more known.⁴⁶

The report also includes facts about the socio-economic disadvantage of Aboriginal people in terms of employment, education, poor living conditions, ill-health, high infant mortality and, many other factors. This information and past legislation is included in the report because of the direct correlation between them; as such it functions as a critique of colonial practice. There is, as Commissioner Elliott Johnston has stated, a direct relationship between the lived effects of legislation on Aboriginal peoples' lives, and the number of people before the courts and in prison. However, that the Royal Commission's recommendations are not enforceable is a sign of the complicitious relationship between the Commission, the legal system and the government. And, so we are left wondering if the Royal Commission into Aboriginal Deaths in Custody is merely a strand within a grand narrative.

⁴⁶ Commissioner Johnston, 1991, p. 7.

Chapter Seven

Cultural Awareness: Listening to the Stories of Others

This chapter provides a discussion of several aspects of the Australian Institute Judicial Association's "Aboriginal Culture: Law and Change" seminar for Western Australian magistrates, held in December 1994. I coordinated this seminar, as part of the Australian judiciary's response to the *Royal Commission into Aboriginal Deaths in Custody* report. Discussion of several aspects of the seminar, particularly those relating to the importance of dialogue and listening to personal narratives as ways of developing productive and respectful relationships between members of the judiciary and the Aboriginal community are focused on. They demonstrate that it is not only the telling of and listening to peoples' stories that is important, but equally the place or site in which stories are told and listened to because this too determines their reception.

7.1 Implementing cultural awareness

The Australian Institute Judicial Association responded to the Royal Commission's recommendations 96 and 104 by convening the National Cultural Awareness Committee. Discussion of the Committee is not necessary here¹ other than to say that it initiated an Aboriginal Cultural Awareness Pilot Project Sub-Committee in Western Australia.² And further that the implementation of cultural awareness training is a practical and local response to the recommendations, very much in keeping with the tenets of postcolonial theory. As the Honourable Mr Justice Paul Seaman, chair of the National Cultural Awareness Committee, reports:

¹ For further information of the National Cultural Awareness Programme Paul Seaman (Justice), "A National Cultural Awareness Programme: Working With Aboriginals and Torres Strait Islanders", Australian Institute Judicial Association, Thirteenth Annual Conference, 1994.

² Membership of the Aboriginal Cultural Awareness Pilot Project Sub-Committee included an Aboriginal and Torres Strait Islander Commission representative, the Assistant Commissioner of the Aboriginal Affairs Planning Authority, an Aboriginal woman lawyer, the Director General of the Ministry of Justice, the Chief magistrate and one other magistrate, the Chief Judge of the District Court and one other District Court Judge, the Director of the Aboriginal Legal Commission, a representative of the Professional and Continuing Education Unit and Murdoch University and myself. Justice Seaman chaired the sub-committee.

the project has its genesis in an approach in early 1992 by Stephen Skehill, then Deputy Secretary and now Secretary of the Commonwealth Attorney General's Department. The Department wished to implement Recommendation 96 by enhancing awareness about Aboriginal culture among the Australian judiciary with a budget of \$50 000 per annum over a period of five years.³

Given the fact that there are six states and two territories in Australia, the per annum budget for the cultural awareness training was not substantial and hence there were many communities in Western Australia not represented in the seminar. Seaman goes on to acknowledge that there are both those in the judiciary who are in favour of cultural awareness training and those who are not. This proved to be the case for the "Aboriginal Culture: Law and Change Seminar" in which some magistrates participated with enthusiasm and an obvious desire to speak with Aboriginal people while others were present under duress. Importantly Seaman also states that:

... in the development of any educational project nothing should be done which offends the independence of any judicial officer. Equally nothing should be done which fails to appreciate the independence of views of Aboriginals and Torres Strait Islanders.⁴

That Justice Seaman can make the comment that nothing should be done "which offends the independence of any judicial officer" underlines how tragically he missed the point of much cultural awareness training. Such training aims to highlight the ways in which discourses and the interests of people such as judicial officers and Aboriginal people interact and impact upon each other. Independence, like the objectivity of law, is a function of the grand narrative that needs to be challenged. Members of the judiciary need to be free of it they are to listen to and take account of personal stories in productive ways. There were very interesting tensions between speakers and magistrates focusing on this point of 'independence', particularly in discussions of family violence.

The content of the "Aboriginal Culture: Law and Change" seminar, which serves as one possible model for negotiating change in the legal system, was decided upon after a series of interviews with six magistrates and input from the Aboriginal Cultural Awareness Pilot Project Sub-Committee. Although the seminar content was focused on contemporary issues such as domestic violence, imprisonment and

³ Seaman, 1994, p. 5.

⁴ Seaman, 1994, p. 5.

Aboriginal customary law, it was decided that some time must be spent providing an historical frame in which these issues could be understood and from there dealt with. In Anne Collett's terms this required "deliberately, consciously examining the past, the present and deciding a course for the future"⁵ and in this way the seminar could thus be identified, again in her terms, as a postcolonial initiative.

There were twenty-five Indigenous speakers at the seminar representing communities from Albany, Willunna, Roebourne, Port Hedland, Broome, Derby and Perth. In a State as large as Western Australia and given that there was a limited budget, it was impossible to have a representative from all communities. After interviewing several magistrates and deciding upon the programme for the seminar, I consulted with people from the Aboriginal Medical Service, the Aboriginal Legal Service, the Aboriginal Affairs Department, members of the judiciary, community organisations and individuals to whom I had been directed. As a result, a list of potential speakers/participants was drawn up and as many appropriate people, representing the greatest possible area, were invited.

7.2 Engaging with the other

Most speakers met on Thursday, 8th December to get to know each other, to become familiar with the function centre in which the seminar was being held and, to discuss the format for the following two days. A number of people within the group already knew each other and this was an opportunity to reconnect; for others it was a first meeting. For some of the speakers, including Joannie Malay from Turkey Creek and Robin Eades from Perth, this was the first time they had spoken in a formal meeting or in this type of role.

While each of the speakers had agreed to be involved in the seminar, many initially felt inadequate and intimidated, feelings that were directly related to the fact that they were speaking to and with magistrates. Without exception, each speaker and/or their immediate family had been involved in the court process and, again without exception, had negative experiences to recount. Sharing accounts of their

⁵ Anne Collett, "Perspectives on Home Ground, Foreign Territory" in *Teaching Post-Colonialism and Post-Colonial Literatures*, Anne Collett, Lars Jensen and Anna Rutherford (eds), Denmark: Aarhus University Press, 1997, p. 15.

experiences re-enforced the need for the seminar and was an acknowledgement of their 'right' to be there as educators.

For several people (although not necessarily their intention or the purpose of the seminar) it functioned as a forum for the expression of anger, pain, frustration, and injustice for the oppression, imprisonment and death of Aboriginal people and for their own experiences. It was not possible for the speakers to remain objective and detached when discussing issues such as deaths in custody, domestic violence and juvenile offenders. There was a collision between the personal and the official, the emotional and the objective, between individual's feelings and their role as educators within the seminar. Magistrates responded to these expressions of emotion in several ways. Some became defensive, feeling as if 'they are on trial', and expressed the view that a seminar was not the appropriate forum for emotional displays. For others it provided an opportunity to better understand issues such as juvenile offending and to express their personal rather than official responses.

A formal meeting such as this seminar occupies a specific place within the public domain. In this instance, magistrates, have conventions or ways of operating in public forums. These are determined by personal histories and characteristics, and by attributes of the private sphere, but are perhaps most strongly linked to their roles as public figures within the judicial system. Quite obviously, for a number of reasons, magistrates need to maintain a critical distance between themselves and the people who appear before them in court. Only if this distance is maintained can there be, they claim any semblance of objectivity in sentencing. It is also vital if magistrates are to be able to function effectively for any length of time. If one became personally invested in cases before the court there would be a continuous emotional toll that no one could be expected to pay. This continual distancing of self from the public was not easily put aside; and it did dictate, at least in part, interactions and expectations in the seminar, beginning with the introductory session.

While introducing ourselves to others in 'everyday' situations is common practice, this was not an unproblematic session. In a formal seminar, albeit one that tries to break with convention, introducing oneself is not a politically neutral act: it is a function of power relationships and is not necessarily easy to do. In a rich sense it is an important part of what Anne Collett identifies as postcolonial "becoming consciously

aware of – what has made me what I am, and how can I become actively participatory... ? ... creating and asserting identity at the same time as seek[ing] to undermine the generality of stereotype.”⁶ In the same way that the introductions are breaking down stereotypical expectations of people, so they disrupt the conventions of an academic seminar. The seminar is deterritorialised. It is no longer a place where only formal knowledge is exchanged. It is all right to ‘become’ personal.

Justice Hal Wootten in his opening remarks at a seminar for the Institute of Criminology in 1992 made this point. He began the proceedings by explaining that:

... [o]ne of the most important all-pervading issues of which I have become aware is the most invariable failure of non-Aboriginal people to listen seriously to Aboriginal people who are trying to explain the issues from their own direct and personal experience. ... ‘Consultation’ ... usually means telling Aboriginal people, not seriously treating them as a source of information, ideas, experience and wisdom. To my observation this has been a primary cause of failure on the part of police of goodwill, as well as other operators in the criminal justice system, to achieve results commensurate with their efforts.

I propose to come to this seminar with as open a mind as I can muster, listen carefully to what the Aboriginal speakers have to say and respond to it as best I can.⁷

As Wootten suggests, “listening seriously” is about being receptive, it is about being willing to enter a dialogue. To do this most effectively a relationship must exist that facilitates an open exchange of ideas and respect for the opinions and positions of each other.

Mudrooroo, (the) then Chair of the Aboriginal Studies programme at Murdoch University and a participant in the seminar, began by explaining that the primary purpose of the introductory session was to establish relationships between people. He spoke of introductions as being part of a story, the story of who people are and their relationship to other people and to country. Introductions allow people to be clear about their relationship to those about them so they know what rules or customs must be observed. Part of this protocol is an acknowledgement of whose country the meeting is taking place in. He explained that for Indigenous people this is always necessary and never just a formality and so suggested that magistrates give some

⁶ Collett, 1997, p. 7.

⁷ Wootten, 1992, p. 49.

information about their place, either where they were born or now live, as a way of situating themselves.

Despite the importance of the introductory session it was regarded as too long and intimidating by some of the magistrates. However, the Indigenous speakers thought that it was too short and impersonal. So that while everyone agreed that introductions are a necessary formality and that most of the information was interesting, (some magistrates received insights into the background of their peers that had been unknown to them) it was not an uncomplicated or, even a non-threatening activity. Most magistrates gave their name, some information about where their family was from and where they had worked, a few did offer more personal details, including whether they were married and had children. Few could speak of themselves without prioritising their relationship to the judicial system however, which was problematic for several speakers who said that some magistrates maintained a 'court like' critical distance that restricted what it was possible to say throughout the seminar and therefore affected its usefulness.

The value of this session should not be underestimated however despite the difficulties with it. The autobiographical details provided by participants caused a blurring of the boundary between private and public, emotional and objective knowledge, which certainly influenced the way information in other sessions was heard and interacted with. More importantly the value of this session extended beyond the parameters of the seminar. I spoke with Eileen Harris, a presenter from the Aboriginal Medical Service at Wiluna, in September 1997 at the "Northwest Women's Conference".⁸ It was with great pleasure that she spoke of the change in her relationship with the magistrate who deals with the community at Wilunna. Since the seminar and getting to know him on a personal level she has found it easier for Indigenous community members to form a working relationship with the magistrate built on communication and dispute mediation that occurs both outside and within the justice system. The re-negotiation of relationships at the seminar has helped to at least partially deterritorialised the practice of law in Wiluna.

⁸ This is a bi-annual conference held in the north-west of Western Australia designed to lessen the isolation experienced by some women and provide a forum for the exchange of ideas.

7.3 History, Dialogue or just a 'Whinge'?

Following the lead of Commissioner Elliott Johnston in the *Royal Commission Into Aboriginal Deaths In Custody*, the second session of the seminar was an overview of Western Australian legislation that has governed the way Aboriginal people have lived and has contributed to them being over-represented in the justice system. The session began with magistrates and speakers watching a video describing the 1905 Act, produced by the Aboriginal Affairs Department. It is narrated by Jeremy Gartlett and provides an overview of the Western Australian legislation dealing with Indigenous people from 1905 to 1972. After watching the video, three speakers (Marshall Smith, Harry Taylor and Glenyse Ward) discussed ways in which the 1905 Act and subsequent legislation had affected their lives and the lives of people they knew.⁹ Each of these speakers works in mainstream organisations and has had experience presenting information to groups of people in relatively objective, non-confronting ways with which the magistrates were comfortable. The stories that they told were similar to those that Alice Nannup wrote of in *When the Pelican Laughed* and reinforced Commissioner Johnson's findings in the *Royal Commission Into Aboriginal Deaths In Custody*.

Marshall Smith is a Bunjima man from Tom Price who lives in Roebourne and works with the Ministry of Justice. Smith described the ways in which the Ngulama, Injibarndi, Bunjima and Kurama people had been moved from their traditional lands as a result of pastoralism, been forced to live in the Roebourne Reserve and later in the town. He explained that, as a consequence of this, respect and marriage systems were disrupted creating much social hardship. Although asked for information about other groups and areas Marshall Smith was only prepared to give details about people and customs from his own area. (On day two of the seminar he explained customary law.) This was an acknowledgement of cultural diversity and a demonstration of the need to seek information about specific groups from the people themselves.

Harry Taylor from the Department of the Family, who is involved with re-uniting families that had been separated as a result of the 1905 Act and subsequent legislation, then described the ways children had been removed from their families and placed in missions and other institutions without parents or extended family. He

⁹ For a full discussion see Haebich, 1988.

explained that this resulted in many people not having a sense of their own self worth or any modelling of parenting skills and the advantage of extended family to rely on for advice or support. Because of this, Taylor explained, the next generation of children was often not provided with the guidance and support they required and so family breakdowns occurred. This breakdown in family structures had many ramifications including lack of education, alcoholism, family violence and imprisonment.

Taylor, like Smith, presented materials objectively providing an historical account and then moved on to current strategies for reunification of families. His mode of delivery invited questions such as: “Are many people accessing the service? What is the success rate?” These questions were, in turn, able to be answered factually, concisely and relatively unemotionally; a real dialogue was not generated.

Glenyse Ward, author of *Wandering Girl* and *Unna You Fellas*, responded to the 1905 Act video, Smith and Taylor by reading several sections from *Wandering Girl*, an autobiographical account of her life written in 1987. Ward was born in Subiaco in 1949. She lived with her mother until age one when the Welfare Department decided her mother was unfit to care for Glenyse. She was put into St John of God’s Orphanage and later moved to St Francis Xavier’s Native Mission, Wandering Brook. Unlike many children in missions Ward did receive a rudimentary education before undertaking domestic duties on the mission. At sixteen she became a domestic for an upper class white family and then at eighteen worked as an aide in a hospital. After she married she and her husband, Charlie, moved to Broome where they still live.

After reading several extracts Ward discussed her long term involvement in the prison visitors scheme, visiting young Aboriginal offenders who lack family support. Ward explained that most young repeat offenders want to talk about their experiences and reasons for being in prison. For the most part they come from families where parents were unemployed, have little education and have not been able to instil in their children a belief in the benefit of school, and have problems with alcohol and violence. Many of their parents have lived on missions and reserves, often away from their own families. The accounts that Ward provided mirrored Taylor’s experiences of people he worked with. Most magistrates responded very positively to Glenyse Ward and the account of her life. They wanted to know about her as a writer including what had contributed to

her success and whether she was still writing. Although she did not have a great deal to say in response to this interest, it caused no apparent frustration.

In a later session Bea Ballangarry a Thungutti Ngamba woman from the mid north coast of New South Wales who has lived in Western Australia since 1974 spoke on domestic violence. She was invited to speak at the seminar because of her long-term work in women's shelters in Western Australia and her own experience as a victim of domestic violence. Much of her discussion focused on what she considered to be inappropriate strategies, on the part of the court, including the sentencing of offending men to prison rather than culturally appropriate anger management and self-esteem courses. Ballangarry became quite upset as she described the ways in which she and her children had been abused and finally had to flee from their home.

Magistrates found it very difficult to develop a dialogue with Bea Ballangarry, even to express sympathy for her situation. Several magistrates responded by stating that they have to act within constraints that are imposed upon them, including a lack of appropriate options for dealing with offenders. They expressed frustration at the frequency with which Aboriginal women had their partners arrested for domestic violence but then do not proceed through the court system. After some discussion, they were able to appreciate that women, while wanting the violence to stop, did not want their men locked up and put in 'at risk' situations. Magistrates who asked what they could do to assist were clearly frustrated because Ballangarry could not give them a response that they found useful. On seminar feedback sheets, several magistrates asserted that the session on domestic violence allowed people to whinge and that a seminar was not the venue for this to occur.¹⁰ There was little difference, however, in the type of information or the lack of strategies offered by Ballangarry compared with Glenyse Ward, who was well received.

It is my belief that the magistrates were better able to relate to Glenyse Ward because the account of her life followed a narrative structure with which they were more personally familiar and comfortable. While her life began badly (being taken from her mother and later being forced to work in difficult circumstances) Ward was

¹⁰ A large percentage of the Aboriginal women in prison for having killed someone have actually killed a person who has been violent towards them. See Judy Atkinson, "Violence Against Aboriginal Women: Reconstitution of Community law-the Way Forward", *Aboriginal Law Bulletin*, Vol. 2, No. 46 October 1990, p. 6.

able to overcome the obstacles in her life to become a successful writer. Her life story can hence be read as a form which some critics have described as the “battler’s story”, which allows the reader or listener to be assured that ‘all is well in the end’. Such a resolution absolves the reader of any feelings of obligation to provide support or assistance. A becoming assimilated facilitates a becoming absolved.

7.4 Children should be heard not just seen

All magistrates who were involved in the pre-seminar interviews requested that young Aboriginal people be invited to attend and address the seminar. There was a consensus that too few opportunities existed for magistrates to speak with juvenile offenders and therefore understand their positions, in particular why it is that they re-offend after the age of eighteen when they know they will then become part of the adult justice system. As magistrate Sue Gordon, from the Children’s Court, explained in a lecture at Murdoch University in 1994, most young non-Aboriginal offenders, especially those from middle and upper middle class families do not re-offend as adults. They are, according to Gordon, more likely to regard the crime that they commit, whether it is breaking and entering or stealing a car, as an act of rebellion against their family or as a challenge. They are also more likely to be advantaged by having parents who can assure the court that they have financial and emotional support and the prospect of being ‘good citizens’. Most young Aboriginal offenders are, on the other hand, motivated by social disadvantage and do not have the type of family support that reassures the court of their prospects.

In response to the magistrates’ request I contacted the youth programme organiser at the Aboriginal Legal Service who offered to speak with young offenders in the programme and encourage them to be involved in the seminar. Unfortunately, although there was an initial acceptance of the idea; everyone felt intimidated at the prospect of confronting magistrates who s/he, or members of their families, had encountered, or may encounter, in the court system and so declined. Magistrate Gordon subsequently asked a 17 year old male, Robin Eades, to participate. He agreed, but ‘ironically’, had three days remaining to serve on a custodial sentence so was only able to attend the Saturday morning session. Unfortunately, this meant that he did not

meet the other speakers prior to the seminar and had therefore not developed a support network with them.¹¹

Discussion of this session of the seminar is considerably more detailed than any other. This reflects both Eades' courage and the importance of his contribution to the magistrates and all other participants. It also very clearly demonstrates the importance of listening to and engaging with personal narratives.

Eades was very obviously nervous; his mouth was ringed with a grey/silver film, evidence that he had been inhaling some toxic substance prior to arriving at the seminar. There are many things that one could say about addictions here, particularly to point out that his reliance on addictive substances had not been successfully addressed during his detention. Perhaps most significant, however, was his need to 'use' something before confronting this situation. Like the inability of the other young people to attend, his 'use' is an indication of the personal cost to himself of speaking with the magistrates. When I had a quiet moment with him at morning tea, just before he spoke, he was visibly shaken and said that he was afraid but had things that he wanted to say and that the magistrates should hear.¹²

Beresford and Omaji have asserted in *Rites of Passage*, that "young Aborigines do not live in a social vacuum;"¹³ they are part of an already disadvantaged group. Most have experienced disrupted family lives, family violence, alcoholism, poverty, and poor standards of education, poor employment opportunities, social ostracisation and racism. Those who do not have these experiences in their immediate family certainly do within their extended family. It is, according to Beresford and Omaji, the result of several generations of children being removed from their families, destroying "the emotional ties binding Aboriginal families and exposing each new

¹¹ Graham Dixon, a local poet who has received international acclaim for his prison poetry, who spoke in the same session and had much in common with the younger participant, helped make him feel at ease. The importance of this support cannot be overstated.

¹² Robin's discussion was pre-empted by the group watching "Where the Children Play" a film produced by, Koorie filmmaker, Richard Franklin. It is a series of interviews with young Aboriginal people, on and around the Perth railway station, exploring issues such as family relationships, social ostracisation, drug use and high speed chases. A number of workers from services such as the Aboriginal Legal Service also provide opinions and insights into the lives of Aboriginal youth. The disruption to family and community life caused by the taking of children from their families and the movement of people onto missions was identified, by these young people, as a central cause of their own social dislocation.

¹³ Quentin Beresford and Paul Omaji, *Rites of Passage Aboriginal Youth, Crime and Justice*, Fremantle: Fremantle Arts Centre Press, 1996, p. 17.

generation of Aboriginal children to a diminished and scarred family life.”¹⁴ Young people therefore suffer because their parents, many of whom have been institutionalised, have limited ways of providing the necessary guidance for dealing with these issues. The legacy of forced institutionalisation is thus “transmitted to the next generation.”¹⁵

Eades experiences of being institutionalised for long periods of his life, between the ages of eight and seventeen, were a direct result of his own parents and extended family’s similar history. His parents had been unable to provide the guidance and discipline that he had needed. As a consequence of this, the experiences of his peers and ways in which the wider community responded to him, he truanted and began a cycle of petty stealing, taking drugs and driving in stolen cars.

In this young person’s case there was not an available family structure capable of giving him the support he needed to avoid being a repeat offender. His parents had not completed school, did not instil in him a sense of its relevance and were unable to help with practical problems. Neither of his parents had been in long term regular employment, and there was therefore no modelling of this for him. This was all further complicated by family problems with alcohol. Given this history, and that he had been institutionalised for various periods of time since he was eight, he certainly needed external help. The most striking feature of this personal account is its similarity to the stories of many other young Aboriginal people.

Institutionalisation was, Eades explained, also a cause of his becoming a repeat offender. According to Eades the institutional process, as it is experienced in detention centres, is about the separation of people from conflicts or problems. All aspects of life in the detention centres are regulated so that sleeping, meals and recreation are all time-tabled. People are segregated according to age, sex, and sometimes the offence committed. He suggested that if people are institutionalised for a long period they do not learn to self-regulate their behaviour, which was a personal problem for him, resulting in his not knowing how to live outside of an institution. As Eades explained them, the effects of institutionalisation cannot be dismissed if attempts to decrease recidivism are taken seriously.

¹⁴ Beresford and Omaji, 1996, p. 35.

¹⁵ Beresford and Omaji, 1996, p. 43.

Personal interactions within the detention centres were regulated so that there was little opportunity for him to learn necessary and effective communication skills. In 'everyday' situations there are generally unequal power relationships between adults and children that dictate modes of address, familiarity of speech, topics that can be discussed. These relationships are negotiated and re-negotiated according to time, place and the participants. For institutionalised children and young adults, the power relationships between themselves and the adults they interact with are still more complicated. These adults are invested with judicial power that limits negotiation so that although there are variations in the ways that these relationships are played out there is little flexibility. This results in few opportunities for developing strategies for initiating and maintaining relationships with adults.

Communication and negotiation with peers was also fraught, in that there were few opportunities to work through disagreements and dislikes or to share common interests. When people do not have these skills they are more likely to become frustrated and angry when their position is opposed and are less likely to maintain long term relationships. A further consequence of poor communication and negotiation skills, therefore less satisfactory relationships, is often a lack of respect for other people, particularly those with whom one has no immediate connection.

An important consequence of not developing strong relationships with others is not learning to regulate one's own behaviour in socially acceptable ways. In the wider community, disagreements and frustration with people are usually negotiated in non-violent ways. However, when a person does not have the appropriate negotiation skills, s/he is more likely to act violently. Further, crimes against property are more likely to be seen as being of little consequence. According to this speaker, juveniles who have been institutionalised for long periods are, as a consequence, often unable to regulate their behaviour, are more likely to become involved in criminal behaviour and thus to be re-institutionalised. Becoming institutionalised. Becoming criminal.

Eades was critical of detention centres as a way of dealing with young offenders because, in his experience, there were only limited, unsatisfactory education opportunities offered. He received no skills training that would assist him in gaining employment; there were no recreational courses, such as art or writing, that might increase self-esteem and, no anger management programmes. The lack of new skills

or contacts meant that he had no new choices when he was released from the detention centre. Like many other repeat offenders, Eades returned to his old peer group and past behavioural patterns armed with an increased knowledge of how to commit crimes. Knowledge of, strategies for stealing cars and breaking and entering is circulated among inmates and is cultural capital within that context.

Peer groups provide familiarity in similar ways to institutional life. When the majority within the group are offenders, criminal activity might well be part of the code of conduct. As Robin Eades pointed out, certain unlawful behaviours, stealing cars for instance, are ways of demonstrating adulthood, group allegiance, position within the group or, “rites of passage.”¹⁶ Whatever the reason for these actions, its importance to some youth as both a way of belonging and a model of behaviour cannot be ignored if effective change is to occur. According to Eades, other support mechanisms for young offenders need to be put in place. Support and rehabilitation should be a function of detention centres.

Importantly any effective consideration of Aboriginal youth and crime must take account of racism and social ostracising as contributing factors. Institutionalised racism, both at the level of bureaucracy and everyday life, exemplified by the 1905 Act and other State legislation, has resulted in Aboriginal people being oppressed both physically and spiritually. Inadequate health, housing, education, employment opportunities and poor Aboriginal/police relationships are often directly attributable to bureaucratic racism.¹⁷ This fuels the divide between ‘us’ and ‘them’, ‘oppressor’ and ‘oppressed’, and the resulting sense of injustice is at times manifested in various forms of violence.

It would be naive and counter-productive to deny that there are crimes and violence enacted by some Aboriginal youth and that these actions do lead to members of the public being afraid. What also occurs, however, is an ‘incitement to fear’ fuelled by emotive media coverage that stereotypes Aboriginal youth as ‘violent gangs’.¹⁸ This in turn encourages people to automatically treat these youth negatively, thus fostering defensive responses. What needs to be understood is that young Aboriginal

¹⁶ Beresford and Omaji, 1996, p. 15.

¹⁷ See *Royal Commission into Aboriginal Deaths in Custody* and the *Social Justice Report* for specific discussion of this.

¹⁸ Stephen Mickler, *The Myth of Privilege*, Fremantle: Fremantle Arts Centre Press, 1998, p. 18.

people like Eades are constantly placed in the position of defending themselves from this discriminatory behaviour.

Just one example from my own experience demonstrates this. In October 1996 I took a suburban train from the Perth railway station. Though it was approximately four o'clock and the train was relatively full; I had a seat to myself. At Oats Street station three Aboriginal girls, approximately fourteen to fifteen years of age boarded the train. Two of the girls sat on the seat with me. The inspector who had entered the carriage addressed the girls, saying that one of them was to get off the seat as they were "squashing the lady against the window." My own response was indignation at the conductor for needlessly setting up an antagonistic situation. Within seconds it escalated. The conductor reached out towards one of the girls, tried to take the bag she was carrying from her hand, while at the same time demanding to see what was in it.

The young girl responded by pushing back at the conductor, pulling her bag sharply towards herself and moving to the door. In the meantime, the woman sitting in the seat in front of me stood up and tried to hold one of the other girls. At the next station all three girls managed to get off the train. The conductor ran towards the front of the train, and later we learnt that she had rung the police to have them find the girls. When asked by the conductor if I could make a statement I responded by wanting to know what the girls had done. This also upset the conductor. At no point was there any dialogue. It may well be that the conductor has had difficult incidents with young Aboriginal people on the trains before and thus acted defensively. However, it is not appropriate or productive to respond to every Aboriginal youth in a predetermined way, as if 'on cue'.

As few Aboriginal people have direct ways of dealing with the source of injustices and socio-economic difficulties with which they must contend, inappropriate responses often occur. Violence, inflicted upon family and community members, is one such response. This violence, directed at others equally oppressed, is a manifestation of frustration, the lack of accessible avenues for change and, lack of self-empowerment. It escalates the problems rather than contributing to remedies. Given the circumstances that many Aboriginal parents are in they are generally not able to

provide their children with the strategies needed to deal with racism, fear or inappropriate actions on the part of others.

As Eades pointed out, young Aboriginal people are confronted by racism in many situations and have few strategies for dealing with it. If they are faced with racism in school, which is usually the first institution that they have to deal with on an everyday basis they are very likely to leave at an early age and so lessen their opportunities to gain or increase skills. In this way the cycle is perpetuated. When confronted by racism young people react in ways that are available to them. If they have learnt that violence, verbal or physical, is a way of dealing with problems then this is how they are most likely to respond. Consequently, they will often initiate and react to situations aggressively. Further, they may assume before any exchange has occurred, that they will be dealing with racism and thus be defensive or aggressive. Beresford and Omaji, in considering the reactions of Aboriginal youth to oppression and racism, suggest that the result is often, “a relationship to this society...laced with hostility...and often exhibited in retaliatory crimes.”¹⁹

Social ostracism can also be the impetus for juvenile crime. Magistrate Sue Gordon discussed this in some detail at Murdoch University in October 1994.²⁰ There had, at that time, been a number of incidents in which people were robbed of brand-name articles of clothing, particularly shoes (for example Reebok, Nike, etc.). Several of these robberies had occurred on suburban railway stations and involved Aboriginal juveniles. Magistrate Gordon, while certainly not condoning robbery, gave an explanation of why it may be committed. She explained that many young Aboriginal people feel ostracised from mainstream society, they have little education, few job opportunities, low self esteem and see no future possibilities. It is consequently very important for them to belong to a peer group. To be well placed in a group they need cultural capital. In the 1990's cultural capital for urban teenagers includes name brand products such as Nike, Doc Marten, Billabong and Quiksilver.

Gordon went on to explain that these juveniles are themselves the victims of rampant capitalism as well as poverty and social disadvantage. Companies such as Nike have succeeded in convincing people that they *need* their products. As Gordon

¹⁹ Beresford and Omaji, 1996, p. 17.

²⁰ Sue Gordon, Lecture for “Introduction to Aboriginal Studies” Murdoch University, October 1994.

explained, the tragedy is that people no longer just desire these products they do *need* them. They are status symbols and commodities of exchange among people who feel bereft of other cultural capital and who have no means to buy it. Robin Eades reiterated that this situation is common for many Aboriginal youth living in Perth.

The stealing of cars and high speed chases were also discussed by Eades. As with brand-name goods, many of the juveniles who stole cars did not have access to a family car and could not see themselves owning one. Stealing a car and joy riding were often linked to group status and moreover most juveniles understood car stealing and high-speed chases as victimless crimes as no bodily harm was intended. Although hostility and retaliatory crime cannot be condoned, it is necessary to understand why it occurs if effective strategies for preventing this are to be found. As Magistrate Gordon made explicit, this does not justify robbery, it merely contextualises the motivation.

Finally, Robin Eades spoke about his plans for the future. At fifteen he had a relationship with a young girl. She became pregnant and had a baby but Eades has had no further contact with the mother or child. He expressed his pain at this and made it clear that if he had more control over his life he would not have lost contact with his baby. Robin was very clear that he saw his own life as part of a cycle that he had inherited from his parents and which had its history in past government policies that had debilitated Aboriginal families and he wanted to change the cycle. He was determined to look after and have a relationship with both his new girlfriend and the baby they were expecting. When he was released from custody Robin planned to move to a country town where he felt it would be easier to get a job and he would be less likely to re-offend.

Robin was released from custody the following Wednesday. Just three days later he was arrested for being in a stolen car involved in a high speed chase. This was of course predictable according to Robin. No amount of good intentions would enable him to start anew. He knew the problems he faced – he was able to articulate them when given the opportunity – but he had no strategies for re-entering society and negotiating a new position in relation to his peers.

Robin Eades' experiences bear out the Royal Commission's findings about Aboriginal youth crime and recidivism. The commission concludes that the reasons for offending include:

... the nature of the criminal justice system which defines criminality, socioeconomic disadvantage, the role of the family and home life, cultural factors, the experience of racism, the role of alcohol, boredom, the more general experience of growing up and the role of peer group pressure.²¹

During the final forum of the seminar, several magistrates expressed their appreciation at having the opportunity to hear Robin Eades speak. One magistrate found the session particularly thought-provoking and explained that although he had heard similar information within the court he had not appreciated its significance. His response was to assert that he should have young people such as Eades to his home as a way of building relationships and dialogues that would facilitate his dealing with them in the court. While this response may appear naive or paternalistic to some, it was humbling and reassuring. Robin Eades' account of his life and current circumstances had been listened to and appreciated. It provided a potential for change.

As well as having a profound effect on a number of people, hearing Robin Eades speak clearly exposed the function of place, particularly the courtroom and official procedures as inhibitors of dialogue and consequently of understanding between people. Hearing the 'evidence' of people's lives outside of a courtroom was instrumental to changing magistrates' engagement with it. So that while much information provided by speakers was similar to that heard within the court, as exemplified by the comment, "we've heard it before", from some magistrates in the pre-seminar interviews the responses to it in the seminar were obviously different to those in the court. This is understandable when one considers that within the court the magistrate listens for information, makes sure procedure is correct and is concerned with administering the law. The marked difference in roles between being a magistrate in a courtroom and a participant in a seminar results in quite different ways of listening and reasons for doing so. It is therefore not surprising that some magistrates responded as they did to Robin Eades, the Richard Franklin video and other speakers.

7.5 State reterritorialisations

While the *Royal Commission into Aboriginal Deaths in Custody* has created a greater community awareness and some discussion of the issues surrounding the imprisonment and deaths of Aboriginal people in custody, it has done little to effect

²¹ Commissioner Johnston, 1991, p. 275.

real official change, that is to initiate the necessary political, social and economic equity that Commissioner Johnson recommended. This is not surprising given that the Commission is itself a product of the very colonial, modernist structures such as the Australian legal system that it is critiquing. As such both the *Royal Commission Into Aboriginal Deaths In Custody* and the “Aboriginal Culture: Law and Change” seminar share similarities with postcolonialism and anticolonial critique.

The relationship between the Western legal system and the Royal Commission is ambiguous and complex. While the Royal Commission is censorious of the legal system for its inappropriate treatment of Aboriginal people, it also seeks solutions in the very system it is critiquing. One ‘solution’, to implement the cross-cultural seminar, although a necessary and productive measure, is inadequate when this is all that is done. As an analysis of various aspects of this seminar demonstrate, its power as a catalyst for change was undermined by the state government and specifically the Attorney General’s Office, responsible for aspects of the functioning of the legal system, which refused to implement initiatives, such as culturally appropriate anger management courses generated by the seminar.

Both the Royal Commission and the seminar provided legitimate public spaces for the telling of personal narratives, primarily by Aboriginal people but with some opportunities for magistrates to tell their own stories. Equally as importantly, it gave Commissioners and magistrates the opportunity to listen to these life experiences and respond to them differently than they might do within the courtroom, though of course there were magistrates who did not respond differently.

What is not in doubt is that the Western legal system does not meet the needs of Aboriginal communities, as is clearly demonstrated by the *Royal Commission into Aboriginal Deaths in Custody* report. McRae *et al* in *Aboriginal Legal Issues* goes so far as to claim that:

Far from providing Aboriginal Australians with a just and respected means of social control and protection, appropriate to their needs, the Australian criminal justice system remains an alien and discriminatory instrument of oppression, through which Aborigines are harassed, subjected to unfair legal procedures, needlessly jailed, and all too often die whilst in legal custody. This may sound like an exaggeration, yet the crime statistics and the figures relating to Aboriginal deaths in custody provide a tragic indictment of our criminal justice system. Aborigines are between ten and

twenty times more likely to die in custody. How is it possible that this situation is sustained, despite the fact that crime statistics have been widely known and deplored for many years?²²

McRae's indictment of the Australian criminal justice system, made in 1991, is still pertinent today. There is still a disproportionately high number of Aboriginal people represented in the justice system. The potential for deterritorialisation promised by the *Royal Commission into Aboriginal Deaths in Custody* has not eventuated. The State reterritorialises upon each deterritorialisation. But Indigenous people too reterritorialise.

²² Heather McRae, Garth Nettheim, Laura Beacroft, *Aboriginal Legal Issues*, North Ryde: The Law Book Co., 1991, p. 238.

Conclusion: Mixing Them Up

“We can't go back. The old law was for the old problems. Now we got this new law – this whiteman's way. And we got these new problems. This law doesn't fix them either. It's no good. What we got to do is put them together – the old and the new. Mix them up. And they'll be hard and strong like cement.” (Harry Daphney Kowanyama)¹

“We can't go back.” Now it is a matter of how we go forward. What trajectories we follow. We can continually trace the same journey and maintain the histories of exclusion that Indigenous and non-Indigenous relationships in Australia have been founded on. Or, we can follow new trajectories. Map potentialities. New “lines of flight.” I argue that the possibility for meaningful change is embodied in speaking and listening to the stories of others. “Narrative is [after all] not just an academic subject. There is a basic human drive to hear and tell stories.”² We are the stories that we tell about ourselves.

In this thesis, I have argued for the need to tell and listen to personal stories and for the recognition of the inter-relationship between these personal stories and official narratives. I have demonstrated that the effects of personal and official narratives are not confined either to the private or the public sphere. Rather, there are “rules of discursive formation” which act to restrict what can be said, particularly in the official domain. This restriction is I suggest, detrimental to facilitating meaningful relationships between Indigenous and non-Indigenous people and should therefore be subverted.

Barry Morris and Gillian Cowlishaw describe *Race Matters*, a collection of essays concerned with racism and the denial of rights to Aboriginal people as “an enquiry rather than a lesson.”³ This thesis too is an enquiry. Throughout it I have argued for the necessity of telling and listening to personal stories, as a way of negotiating productive relationships between Indigenous and non-Indigenous people in Australia. For negotiations to be successful I have suggested that there must be a

¹ Judy Atkinson, “Violence Against Aboriginal Women: Reconstitution of Community law-the Way Forward”, *Aboriginal Law Bulletin*, Vol. 2, No. 46 October 1990, p. 6.

² Jonathan Culler, *Literary Theory*, New York: Oxford University Press, 1997, p. 84.

³ Barry Morris and Gillian Cowlishaw (eds), “Cultural Racism” in *Race Matters: Indigenous Australians and 'our' society*, Canberra: Aboriginal Studies Press, 1997, p. 2.

recognition that each group of people and situation is unique. Hence, there must always be “an enquiry”. An asking. A wanting to know who you are. A willingness to listen to and act upon the response. And, to tell you who I am.

The importance of telling and listening to personal narratives has been demonstrated here, through a discursive account of the actuation of theory and praxis, particularly a postcolonial or anticolonial critique of law, legislation and anthropology. This is not to suggest that any one critical practice or the telling and listening to, of personal stories can always facilitate meaningful relationships. Each situation requires a willingness to accept that there are “no finite truths and fail-proof answers.”⁴ Rather, there are potentialities. This is not to infer that there are endless possibilities or meanings but rather that there are always, as many ways to achieve this synergy as there are people involved.

It is changes to grand narratives, the knowledges they validate and the inclusions and exclusions that they perform, that must be achieved. Change is slow. It is ambivalent. And it very often affords little respect to the marginalised and disempowered people who most need change. But, grand narratives can and do transform. Noel Pearson in writing about the Mabo decision describes one specific moment of change while in the same moment recognises its back-handedness:

[t]he significance of the decision is that it recognises Aboriginal law and custom as a source of law for the first time in 204 years of colonial settlement. For the great part however Aboriginal law remains unrecognised. Nevertheless, the breadth of the context of this recognition sets the stage for an interaction, which has never before been possible. Colonial law has been a reality in Australia since 1788. Aboriginal law has always been a reality and we are unanimous in our resolve that it continue to be so. Colonial law is part of our Indigenous reality here in Australia; it determines and controls our ability to exercise our law, enjoy our rights, maintain our identities.⁵

Pearson’s critique of the recognition of customary law afforded to Aboriginal peoples through the High Court’s Mabo decision highlights the States’ ability to reterritorialise on each deterritorialisation. Australian “colonial” law determines the

⁴ Luke and Gore, 1992, p. 7.

⁵ Noel Pearson, “Mabo: towards respecting equality and difference” in *Race Matters: Indigenous Australians and ‘our’ society*, Barry Morris and Gillian Cowlishaw eds, Canberra: Aboriginal Studies Press, 1997, p. 217.

exercise of customary law, the enjoyment of Indigenous peoples' rights and it maintains their identities.

According to Noel Pearson Indigenous people must, in the face of each State reterritorialisation thus follow a new trajectory. They too must deterritorialise. He writes:

Now that the non-Aboriginal legal system has offered something in the way of rights, however narrow, to refuse to engage in the game – no longer seems smart. The challenge is to negotiate the expansion of those rights without losing ground and without surrendering the chance of future progress in a struggle which has seen incremental advances but whose resolution is still long in arriving.⁶

While public spaces or forums such as the “Aboriginal Culture: Law and Change” seminar discussed in Chapters Six and Seven however, provide the opportunity for people “to name and give voice to their experience” it must always be remembered that there are many impediments to people telling their stories. As is revealed in the analysis of the magistrates’ seminar, differences in social power as a result of differences in class, gender, and race all influence what is said and how it is received. Most importantly equal opportunities to a public forum without “the conditions for equal participation” effectively deny people the opportunity to speak and therefore “denies them equal access to the power (and rewards) with which to articulate and legislate change in their diverse interests.”⁷ There needs to be a becoming empathetic.

On the 24th November 1998 Justice Lee determined that:

Native title in the “determination area” is held by the Miriung and Gajerrong people, and in respect of that part of the “determination area” known as Boorroonoong (Lacrosse Island), native title is also held by the Balangarra Peoples, both parties being described hereafter as the common law holders of native title.⁸

Also on the 24th November 1998 a young woman from the village in Roebourne passed away as a direct result of the tragic circumstances in which people must live. The following day a friend and I spoke with her aunt about both the young woman and the Miriung and Gajerrong peoples’ native title. She was happy for the Miriung and Gajerrong peoples’ win. She hoped it would help the people in Roebourne.

⁶ Pearson, 1997, p. 219.

⁷ Luke, 1992, p. 36.

⁸ Ben Ward & Ors V State of Western Australia & Ors [1998] 1478 FCA

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